



AGENDA
CITY COMMISSION MEETING
COMMUNITY BUILDING
MONDAY, JUNE 22, 2015 5:30 PM

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS:

3. PRESENTATIONS:

4. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held June 8, 2015
2. Regular meeting held May 26, 2015

B. PURCHASING ITEMS:

C. RESOLUTIONS:

1. Resolution of the City Commission of City of Leesburg, Florida, authorizing signatories as required by TD Bank to honor all checks, drafts, or other orders for payment of money drawn in the name of the City of Leesburg; and providing a sample of said individuals signature; and providing an effective date.
2. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Leesburg Police Department to apply for and, if awarded, accept an Edward Byrne Memorial Justice Assistance Grant to defray the purchase cost of four new in-car video recording systems; and providing an effective date.
3. Notification of Use of Emergency Procurement Procedures - Venetian Gardens Pool Repairs

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW) AVAILABLE

A. LAKE SUMTER PROPERTIES

1. Second reading of an Ordinance annexing approximately 4.06 acres, generally located on East Richey Road, west of South Nursery Road (Lake Sumter Properties)
2. Second reading of an Ordinance for a small scale comprehensive plan amendment on approximately 4.06 acres, generally located on East Richey Road, south of Nursery Road (Lake Sumter Properties)
3. Second reading of an Ordinance rezoning approximately 4.06 acres from Lake County R6 (Urban Density Residential) to City RE-1 (Estate Density Residential) for Lake Sumter Properties

- B. Second reading of an Ordinance amending the SPUD (Small Planned Unit Development) zoning on approximately 1.31 acres (Amvets Post 2006)

C. RESOLUTION ON FINAL FIRE ASSESSMENT RATE

6. INFORMATIONAL REPORTS:

The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

7. CITY ATTORNEY ITEMS:

8. CITY MANAGER ITEMS:

9. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings,

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and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.

**MINUTES OF THE CITY COMMISSION MEETING
MONDAY, JUNE 8, 2015**

The City of Leesburg Commission held a regular meeting Monday, June 8, 2015, in the Commission Chambers at City Hall. Mayor Dennison called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner Jay Hurley
Commissioner Dan Robuck
Mayor Elise Dennison

Commissioner Bob Bone was absent. Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Fred Morrison, the news media, and others.

City Clerk J. Andi Purvis gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

PRESENTATIONS:

Proposed Fire Assessment Fee / FY 16 Forecast Presentation – Al Minner, City Manager (Please see attached power point presentation)

CM Minner reminded everyone of the Public Hearing on the Fire Assessment Fee Monday, June 22, 2015 at 5:30 p.m. at the Community Building.

Mayor Dennison stated there will be time for public comments at the end of tonight's meeting as there is other business to be taken care of first. She knows many came tonight for this issue and stated everyone will be given three minutes to speak and asked that they get their thoughts together.

CONSENT AGENDA:

Item pulled for discussion:

4.C.2 – Construction Services Agreement with Nidy Sports Construction, Company for reconstruction of the Palmetto Street Tennis Court Complex

Commissioner Christian moved to adopt the Consent Agenda except for 4.C.2 and Commissioner Hurley seconded the motion.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Hurley	Yes
Mayor Dennison	Yes

Four yeas, no nays, the Commission adopted the Consent Agenda, as follows:

CITY COMMISSION MEETING MINUTES:

Regular meeting held May 11, 2015

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PURCHASING ITEMS: None

RESOLUTION 9610

Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Fourth Addendum to Lease Agreement with Verizon Wireless Personal Communications LP; and providing an effective date

DENIED RESOLUTION 9611 CONSTRUCTION SERVICES AGREEMENT WITH NIDY SPORTS CONSTRUCTION CO., INC.

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONSTRUCTION SERVICES AGREEMENT WITH NIDY SPORTS CONSTRUCTION CO., INC. FOR THE RECONSTRUCTION OF THE PALMETTO STREET TENNIS COURT COMPLEX IN THE AMOUNT OF \$67,100.00; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Robuck moved to adopt the resolution and Commissioner Hurley seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Commissioner Robuck stated while the tennis courts do need renovated, he thinks this is more of a want rather than a need. There are perfectly good tennis courts at Susan Street, plus ones at Lake Sumter State College which are in good shape and available for the public to use. He stated as Commissioner Christian pointed out there are city facilities in much worse shape than this; a pool without paved parking. Then long term the city is talking about moving the Venetian Gardens pool and spending four million dollars which could go right where these tennis courts are. Commissioner Robuck thinks this is one of the things which would be nice to have if the city had all the money in the world, but he would rather see this budgeted \$67,000 used for Susan Street renovations or paving that needs done. With the city talking about asking for 2.7 million dollars in a new tax, he feels this could be held off on at this time.

Commissioner Christian stated he would hate to see the city spend \$67,000 and then in three years be discussing what to do with the pool. Commissioner Hurley agrees.

The roll call vote was:

Commissioner Christian	No
Commissioner Hurley	No
Commissioner Robuck	No
Mayor Dennison	No

No yeas, Four nays, the Commission denied the resolution.

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FIRST READING OF AN ORDINANCE ANNEXING APPROXIMATELY 4.06 ACRES, GENERALLY LOCATED ON EAST RICHEY ROAD, WEST OF SOUTH NURSERY ROAD (LAKE SUMTER PROPERTIES)

Commissioner Christian introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 4.06 ACRES AND BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST RICHEY ROAD AND WEST OF SOUTH NURSERY ROAD, LYING IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 3; AND PROVIDING AN EFFECTIVE DATE. (Lake Sumter Properties)

Mayor Christian requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT ON APPROXIMATELY 4.06 ACRES, GENERALLY LOCATED ON EAST RICHEY ROAD, SOUTH OF NURSERY ROAD (LAKE SUMTER PROPERTIES)

Commissioner Hurley introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 4.06 ACRES, BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST RICHEY ROAD, AND WEST OF SOUTH NURSERY ROAD, LYING IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM LAKE COUNTY URBAN MEDIUM DENSITY TO CITY OF LEESBURG ESTATE; AND PROVIDING AN EFFECTIVE DATE. (Lake Sumter Properties)

Mayor Dennison requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE REZONING APPROXIMATELY 4.06 ACRES FROM LAKE COUNTY R6 (URBAN DENSITY RESIDENTIAL) TO CITY RE-1 (ESTATE DENSITY RESIDENTIAL) FOR LAKE SUMTER PROPERTIES

Commissioner Hurley introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA REZONING APPROXIMATELY 4.06 ACRES FROM LAKE COUNTY R6 (URBAN DENSITY RESIDENTIAL) TO CITY RE-1 (ESTATE DENSITY RESIDENTIAL) FOR PROPERTY GENERALLY LOCATED ON EAST RICHEY ROAD, WEST OF SOUTH NURSERY ROAD; AND PROVIDING AN EFFECTIVE DATE. (LAKE SUMTER PROPERTIES)

Mayor Dennison requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE AMENDING THE SPUD (SMALL PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 1.31 ACRES (AMVETS POST 2006)

Commissioner Robuck introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE SPUD (SMALL PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 1.31 ACRES FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF CANAL STREET, SOUTH OF US HIGHWAY 441 AND NORTH OF HALL CIRCLE, AS LEGALLY DESCRIBED IN SECTION 26, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Amvets Post 2006)

Mayor Dennison requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE REZONING APPROXIMATELY 0.9 ACRES FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT) (BETTER LIFE ACADEMY)

Commissioner Hurley introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 0.90 ACRES FROM CITY R-2 (MEDIUM DENSITY RESIDENTIAL) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT) FOR A PROPERTY LOCATED ON THE

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NORTH SIDE OF WEST MAIN STREET, EAST OF NORTH MOSS STREET AND WEST OF NORTH COLLEGE STREET AS LEGALLY DESCRIBED IN SECTION 27, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Better Life Academy)

Mayor Dennison requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE ADDING A PLANNED DEVELOPMENT OVERLAY TO THE EXISTING R1-A (SINGLE FAMILY RESIDENTIAL) ZONING ON APPROXIMATELY 3.5 ACRES (LEGACY PDO)

Commissioner Hurley introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 3.5 ACRES, BY ADDING A PLANNED DEVELOPMENT OVERLAY TO THE EXISTING R1-A (SINGLE FAMILY RESIDENTIAL) ZONING, CONSISTING OF LOTS 726-745, UNIT 6, PHASE VII OF THE LEGACY OF LEESBURG SUBDIVISION, GENERALLY LOCATED SOUTH OF CR 48 AND WEST OF MEANDERING TRAILS BOULEVARD, AS LEGALLY DESCRIBED IN SECTION 13, TOWNSHIP 20, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (FLC Legacy PDO)

Mayor Dennison requested comments from the Commission and the audience. There were none.

ADOPTED RESOLUTION 9612 THIRD AMENDMENT TO LEASE BETWEEN THE CITY OF LEESBURG AND SUNAIR AVIATION, INC

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A THIRD AMENDMENT TO LEASE BETWEEN THE CITY OF LEESBURG AND SUNAIR AVIATION, INC., AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Robuck seconded the motion.

Mayor Dennison requested comments from the Commission and the audience. There were none.

The roll call vote was:

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Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Mayor Dennison	Yes

Four yeas, no nays, the Commission adopted the resolution.

**ADOPTED RESOLUTION 9613 RENEWAL LEASE AGREEMENT BETWEEN
THE CITY OF LEESBURG AND MID FLORIDA CHAPTER 534
EXPERIMENTAL AIRCRAFT ASSOCIATION**

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE A RENEWAL LEASE AGREEMENT
BETWEEN THE CITY OF LEESBURG AND MID FLORIDA
CHAPTER 534 EXPERIMENTAL AIRCRAFT ASSOCIATION; AND
PROVIDING AN EFFECTIVE DATE

Commissioner Christian moved to adopt the resolution and Commissioner Robuck seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Commissioner Robuck stated he is not in favor of giving anyone free space at the airport; it is a valuable commodity. He is sure this group does good things, but lots of organizations do good stuff and he thinks this is too generous. He thinks this is why the city has some of its financial issues and stated the city should get paid for its assets. He is not in favor of this resolution.

Airport Manager (AM) Tracey Dean stated the EAA Chapter does bring a lot of exposure to our airport. Their hanger is small, but they do draw in a lot of people and educate them. There is not a lot of mechanics going on and she does not know if it would be very suitable for someone else to come in. EAA is paying their utilities and their rent has been calculated conservatively against the services they provide.

Commissioner Robuck stated they also create issues as when one ran into a fence.

Mayor Dennison stated this group not testing experimental airplanes, they are training boy scouts, girl scouts, and they have sleep overs at the airport during the year. They have many people coming to the airport for training and activities, and while they are in a very small hanger they do a lot for the airport. She stated she is in favor of letting them keep this for another term.

AM Dean stated the pilots are volunteers; they are not in training.

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Commissioner Christian asked if there is a recommendation from the Airport Board and CM Minner stated the advisory board recommends approval.

The roll call vote was:

Commissioner Robuck	No
Commissioner Christian	Yes
Commissioner Hurley	Yes
Mayor Dennison	Yes

Three yeas, one nay, the Commission adopted the resolution.

ADOPTED RESOLUTION 9614 AN AGREEMENT WITH THE LAKE COUNTY PROPERTY APPRAISER FOR FIRE ASSESSMENT FEE COLLECTION

Commissioner Hurley introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE LAKE COUNTY PROPERTY APPRAISER FOR FIRE ASSESSMENT FEE COLLECTION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Hurley seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

CM Minner stated this does not encumber the City to have a fire assessment fee. Should the Commission choose to do a fire assessment fee the city will need to collect the fees so he would encourage, whether for or against the fire assessment fee, to vote in favor of this so the procedures are in place to collect money should a fee be approved.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Hurley	Yes
Commissioner Robuck	No
Mayor Dennison	Yes

Three yeas, one nay, the Commission adopted the resolution.

ADOPTED RESOLUTION 9615 HIGHWAY LANDSCAPING CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO S.R. 44 RIGHT OF WAY

Commissioner Hurley introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

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RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING EXECUTION OF THE HIGHWAY LANDSCAPING CONSTRUCTION AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO S.R. 44 RIGHT-OF-WAY FROM WEST OF VENETIAN PARK DRIVE TO DOZIER CIRCLE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Robuck seconded the motion.

Mayor Dennison requested comments from the Commission and the audience. There were none.

The roll call vote was:

Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Mayor Dennison	Yes

Four yeas, no nays, the Commission adopted the resolution.

FLORIDA LEAGUE OF CITIES VOTING DELEGATE

CM Minner stated the city needs to select its voting delegate for the Florida League of Cities Conference.

Commissioner Christian asked who the city's representative is for the League.

Mayor Dennison stated it is she. She is also about to be the President of the Lake County League and on the State Nominating Committee so she would appreciate if the Commission would select her.

Commissioner Christian moved to nominate Mayor Elise Dennison as the City of Leesburg's Voting Delegate for the 2015 Annual Conference and Commission Robuck seconded the motion.

Mayor Dennison called for all in favor and the motion passed unanimously.

INFORMATIONAL REPORTS: None

CITY ATTORNEY ITEMS:

CM Morrison stated for a brief update on a former carrying case, if you remember a case filed against the city and its ordinance prohibiting the discharge of a fire arm within the city limits. The city won the case at trial level and before the ink was dry on the judgment, it was appealed. He stated the case is now pending with the Fifth DCA.

CITY MANAGER ITEMS:

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CM Minner stated the Venetian Gardens pool opened today. Staff really scrambled and did a great job to get it open and we were able to hold swimming lessons. The city missed the weekend but got it open today and hopefully the repairs hold up.

CM Minner reminded everyone the next meeting will be Monday, June 22, at the Community Building at 5:30 p.m. on the Fire Assessment Fee.

CM Minner stated he did get the Commission updated on Friday evening about the roof blowing off the Venetian Isles Apartments. He stated pretty much all the Department heads have been working tirelessly to make sure the buildings were secure and that the existing residents have been taken care of. DCM Rankin and HM Thomas are working with our CA Morrison to make sure all legal I's are dotted and T's are crossed. He thinks the city will probably be able to move forward with demolition a little bit sooner as the facility has been declared uninhabitable and PWD Maudlin is working with the contractor. CM Minner stated he will keep the Commission up to speed, and thinks our team did a great job in responding to the storm damage.

PUBLIC COMMENTS:

Don Lukich stated he wanted to remind the Commission on the automatic five percent increase in utility rates imposed almost three years ago, the city commission and the then city manager said they would review it, update it, and report. He will be looking forward to this. Also, with regard to city manager's comments on the fire assessment fee, he heard the city is going to raise fire assessment money to free up other money and one of the things the city manager wants to take care of is the debt to the 441/27 CRA. Mr. Lukich said he can understand this but asked if the CRA could just be abandoned since it has been a failure. **CM Minner** stated yes the CRA can be abandoned, but there is still 4.5 million dollars in debt; you cannot abandon the debt. **Mr. Lukich** asked why continue to pour money down a bad hole; will the city consider abandoning the CRA. **CM Minner** stated most CRAs create incremental revenues which come back to fund improvements and the 441/27 CRA has what is called a negative increment; it creates zero dollars. Staff will talk about this in FY 16 and will recommend expanding this CRA in small geographic areas and reassigning the base line, which can be done statutorily, to turn the negative increment into a positive increment. That positive increment is not going to be very big but may create at least twenty-five to thirty grand which may help with some road side landscape grant programs along the 441/27 corridor. **Commissioner Robuck** stated all a CRA does is take tax money that would go to the county and gives it to the city. **Mayor Dennison** asked when this CRA was created. **CM Minner** replied 2009 – 2010.

John Cassie, resident and local business owner with several rental properties, stated this assessment for the fire department is going to affect him deeply. He is already struggling to meet the needs of our community by trying to hold down rents which he has done to help keep residents in the area to pay their high electric bills. He offered praise to the Commission for walking into a big nightmare of trying to fix mistakes that have been going on for 20 plus years and it just seems like the mistakes are getting bigger and bigger. Any decision made tonight or made in the future is definitely going to weigh on what they have to do in the city. He heard the statement made that this information was brought to the public, but the only information he got was when he received this letter in

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the mail. He stated yes, we need the fire department, it is vital to our community, but on the same token it is the highest paid fire department in Florida; a decision made a long time ago that the citizens are paying for and if we cannot afford it then maybe it is time to get rid of it. He understands it may cost money in the long run but if talking about reducing the electric, it has been raised five percent for the last two years. If raised five percent and now talking about lowering it five percent you have not done anything for the community; what have we gained, not a dime. He asked Commissioner Robuck to please remember what he started with his good ideas and not get ourselves into a bigger debt because he is the only one up there making sense. The millage rate may not be the highest in Florida, but the problem is all the fees added on that makes our bills as a resident here the highest bill we pay. Mr. Chassie asked the Commission to please consider these things and if it does pass this assessment, the \$155 right now for residential, who is to say the city will not keep raising it. There will be other issues and you are going to have to pay for them; he does not see where this is going to end.

Faith Martin, stated she also owns a couple rental properties which were supposed to be funding her retirement but that has gone down. Anyone who owns rental property here knows we have not gone up in rent and most have gone down in a long time. This fee is not per property but per unit, so she is getting doubled up on the difference she pays for property taxes. Getting a reduction in electricity does not help her because she does not pay the electricity, her tenants pay the electricity. She just sees this as money out of their pockets with no return. She agrees with Mr. Chassie that we all need the fire department but every time she sees a fire truck following an ambulance, she sees dollar signs. She suggested maybe the city could look at adjustments in some other places.

Charles Townsend, business owner, wished someone could apologize to those sitting on this Commission today about what has happened in the past and the situation the city is in at this time. He also agrees with Mr. Chassie, we do need fire protection, but not necessarily a Leesburg Fire Department. He has been a fireman, a police officer, and a deputy sheriff not here in town. If looking at city records based on last year, you are 71% more likely to need a policeman than a fireman. He has firsthand knowledge of that when his building, right beside the police department in 1988, burnt down to the ground except for a portion up front. The fire department was the ones who actually say the fire and he does not blame them, having been a fireman he knows these things will happen buildings will go down but it did him no service to have them across the street as to have them five miles away. In most cases the firemen are there trying to prevent additional damage and protect the people there and the police department is also there usually before the fire department arrives. Mr. Townsend asked the Commission to consider what it is doing with this assessment; basically forcing more businesses out of the city than are coming in. He stated it is a hard decision and this Commission is going to have to take care of the trash that other Commissioners have brought about before because of their alliances.

Vic Donahey stated this was not well explained and appears to be smoking mirrors. He does not know much about CRA debt or the DST sunset. He applauds our fire department; he knows the need because he had a tragedy happen a year and a half ago. As far as response times, he stated the fire department certainly was not slow in getting to his place; he is happy with the response times. He asked how this proposed rate was derived and will call it a tax because he received a notice that his taxes will increase \$425

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for two buildings. He also asked why pass a resolution to execute an agreement with the Lake County Property Appraiser for the fee collection now when this has not even been adopted yet. Mr. Donahey stated he was many questions and is hoping at the next meeting this will be explained better and his questions answered. **CM Minner** stated Mr. Donahey provided some good questions. The Commission has had a number of public hearings, advertised in the paper and has explained a lot of these issues. In answer to how the fee was created a fire assessment fee is a statutory ability of local government to charge for the cost of fire services. The city engaged with a consultant to review its fire and EMS services, roughly a five million dollar budget, and delineated what was a fire service cost and what was an EMS cost. Out of that budget, 3.3 million dollars was identified, pursuant to the statutory definition of fire services, was eligible for a fire assessment fee. Then an evaluation was completed on who receives that 3.3 million dollars of fire service and that was broken down into the categories of response; residential, commercial, institution, industrial, non-profit church, and governmental. Early on staff decided to exempt governmental, which is city hall, county and state facilities, and school board. The residential category absorbed approximately 48% of all fire services, so if divide 48% into the 3.3 million dollars amongst all residential units the math is \$155. That is how this fee is accountable, justifiable, and easily calculated. He believes commercial was about 30% so if dividing total square footage of all commercial buildings in Leesburg by 3.3 million dollars comes out to 14 cents per square foot; industrial/warehouse same philosophy at 3 cents, institutional at 1 to 3 cents, and churches 21 cents. **CM Minner** stated the fire fee was calculated based on eligible fire service expenses divided by the call ratio, divided by the unit that made the call. **Mr. Donahey** said he has two buildings which would equal \$310 but his statement says it will be \$425. **CM Minner** stated all bills can be challenged; staff will review by using the data received from the tax appraiser and the tax collector. If a residents square footage numbers are different than what is in the tax collector or the appraisers office that is where the number is going to have a discrepancy; the city worked off the public record, which is the tax appraisers or tax collectors records to do the assessment. So if a resident says they have less square footage then the tax appraiser reports, it is incumbent upon them to ensure the tax appraiser has the correct square footage and that you are being assessed appropriately. **Commissioner Christian** asked how much time a resident has after they receive their bill and want to challenge it. **CM Minner** stated he believes it is 90 days. As to the question why have an agreement with the property appraiser, the answer is because this is an assessment and the city will need to work with the property appraiser and the tax collector on an annual basis to have these fees advertised and collected, just like with the property tax.

Shell Smith, property owner, stated according to Lake County Public Officials the fire assessment for Lake County for 2014 was \$16,205,018 dollars for 938 square miles. The city of Leesburg's Fire department is asking for 3.3 million dollars and by its own admission only covers 40 square miles. If you do the math on those figures, Lake County Fire department is far cheaper than Leesburg's Fire department.

Bennett Walling, resident, stated a lot of this is just smoke and mirrors because when he listened to the city manager's presentation it sounds like the city is getting 2.2 million dollars more than it started with. Is that right? **CM Minner** replied no; the city is posing an additional 2.7 million, actually 3.3 because half a million of that is assessment. By bringing in a new 2.7 million, the city is saying it is going to reduce the transfer and give

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back 2.2 million dollars in the way of electric rate reduction and then keep half a million that would go towards new projects. **Mr. Walling** stated half a million is what is netted back to the city. He said the city manager once told him a real wise thing; the biggest problem with the public sector was the private sector because it operates totally different than the public sector. Mr. Walling stated they are a profit based center and when you only have "x" dollars to spend, you only spend "x" dollars; they figure out a way to manage their budget. The tax appraiser just came out with their assessment for Lake County and Leesburg is the lowest in the county; we finally got above a negative number now at a positive growth of 1.1% and now the city is proposing a net increase in taxes of roughly 30%. He stated he understands the number of renters in Leesburg is approximately 60% which leaves only 40% of the people in Leesburg owning their homes. These owners are going to get this additional fee not the people renting our properties; we will take the brunt of it. When Publix was mentioned about a reduction in power bill this is not good for me because they exclude non-ad valorem tax from their bill. He stated Commissioner Bone did not believe him so he made a photocopy and sent it to him. He was told by Commissioner Bone that he can negotiate when renting the next occupant and Mr. Walling said he will be 88 years old when he gets to renegotiate his lease with them. Mr. Walling also stated anyone who has vacant commercial property pays the same rate as occupied because this has nothing to do with the value. He has a 10,000 square foot building which has been deemed unset for habitation but is still on his tax records. He stated the city has to come up with another way because those in the business world are not happy with the way business is working in the city of Leesburg. Mr. Walling stated the reason most people do not show up is because they are working; they have businesses to operate. The people elect you all expecting good service and for you to be good stewards of our money but that is not happening. The city has got to dig deep and figure out a way to provide services to the public at a competitive rate. This is Winter Park, Mt. Dora, or the Villages, this is Leesburg the lowest household in Lake County; we cannot afford this increase.

Thomas Clark stated he has four rental houses in the city and has already talked with some of his tenants about this and two of them are already going to move out. So now he has no money to even pay this thing and will have to take it out of his other retirement funds to pay for it. He will have no rental income coming in because they are leaving and it takes about three months to even find someone to rent the house. Mr. Clark also stated as to the SPUD for the school, the city needs to do a traffic study. There are two buildings and if you get half the employees in the other building that is 20, plus a school with 40 kids and 10 or 12 teachers all the parking spaces are gone. There is no traffic pattern through on north Moss Street to get around, no planning on how they are going to handle the traffic, or on how they are going to handle the kids. There is already traffic coming in and out there for the high school and they say they are going to stagger it; that does not work. He stated a traffic study is needed before kids get in there and get hurt.

Commissioner Christian asked if information can be provided by the next meeting on a traffic study. **Planning and Zoning Manager (PZM) Dan Miller** stated this was previously discussed at the Planning Commission and was approved by a 7-0 vote. Mr. Clark's questions were answered although not to his satisfaction. There are a maximum of 40 students being written into this SPUD requirement and if reviewing the code, for an elementary school, the parking requirement is one space per fourteen students. Doing the quick math that is about three spaces required and there are sixteen spaces on each

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building. Staff understands Mr. Clark's concerns but is standing with its recommendation. Should the Commission request a traffic study it will be done.

Paige Chassie stated she does not know how accurate the numbers were about the renters versus the people who live in Leesburg but she is looking at paying about \$5,000 and the way it is looking will only get about a \$30 break in her electric. This is going to be tough and she would assume there are other people around with this same problem.

Jeff Hartzell stated he has a few rental properties in town and has been doing just about everything he can to survive for the past four to five years. He even moved out of the house his daughter loves to rent it to make more money. He has two houses on south 6th Street where the tenants cannot afford the electric so had to turn them into rooming houses. He is doing everything he can to survive and cannot swallow much more. He has been here since 1972 and if this continues he has got to go; he cannot afford it.

ROLL CALL:

Commissioner Christian stated as the city manager presented to the community this is just the maximum numbers being discussed; the numbers can actually go down. He does not want anyone to think the city is fixed on 3.3 million dollars. He said our Fire department has in just one year reduced its cost by almost \$500,000 with a budget close to 5.4 million and the Police are running at 7.6 million. This assessment would be used to generate funds to offset the transfer from the electric department. We have heard many comments tonight about the CRA and stated the 441/27 CRA was created because residents came to the city, came to the chamber breakfasts, and talked about how terrible the 441/27 corridor looked. The city thought this was a way to generate funds to clean up the corridor but did not foresee the 2006 - 2007 depression hitting the country so maybe it was not very smart. Smart grid came because residents said electric bills were too high so someone thought of the great idea to acquire federal funds to create help with reducing residents' electric bills. No one jumped up here and said let us do this because we want to, it was all on the push of communities saying reduce our bills, our bills are too high. Now the city is stuck in a dilemma of how to fix electric bills because everyone is complaining about high bills; we are here trying to fix electric rates. He thinks our fire chief, as well as other departments have done a great job reducing costs and tonight of course the Commission is looking at another stage of how to reduce the electric transfer and manage our city so we can all live here, make money, and be productive citizens. He stated is not the final vote, but if vote to not make this happen then where do we cut. Someone said run the city like a business and that would be great but of course the pool broke last week and repair costs look like \$75,000 plus. In his business maybe he would say to not fix the pool, but of course with the city there would be 25 people here saying kids want to swim, why are you not fixing the pool? Unfortunately the city cannot run like a business because to cut cost it would have to shut down the library or get rid of a couple police officers until someone's home gets broken into. He also has rental properties and knows \$155 times four or five does add up plus then you get a property tax bill. So how do we balance that and make the Bennett Walling's or the Bill Polk's whole to where they feel like they can survive in Leesburg? Presentations have been given and the Commission is trying to make the best decisions on how to reduce the cost of doing business here in Leesburg and he thinks the city is trying to balance that to make Leesburg run effectively and efficiently. He wants to ensure everyone the Commission is

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listening and will be working with the city manager and his staff on what kind of fee to reduce some of the cost to everyone. **Commissioner Christian** announced this past Sunday they had "Soulful Sunday" on Pine Street and had a great time. He commended city staff for assisting and making sure they received everything needed to hold a successful event.

Commissioner Robuck stated with regards to the apartments every time he spoke to staff he was really impressed how they all wanted to give credit to someone else. He thinks this says a lot about the healthy relationships they have and obviously they do a great job working very well together. On the Fire Assessment, he initially liked the idea because it allows the city to those who do not pay anything because everyone pays electric and there are many people in the city who do not pay property taxes for various reasons. Then there are those who pay property taxes but do not pay city electric and people outside the city on electric and property taxes, so it seems like a good idea. He stated tonight he has come to think this is just one of these things that sounds good in theory but when put in practice from the examples heard tonight it just does not work. If going to compare Leesburg to other cities, which we do a great job of, his one issue is all residential comparisons with the average tax bills; Leesburg is 50% commercial, Mt Dora is about 24% commercial, and Clermont is about 30% commercial. Leesburg commercial carries a much larger burden then in other places and those cities which have fire assessments have a cap on the commercial exposure. In the county the most paid on a single commercial property is \$11,000 but here the mall is going to pay like \$90,000; no cap in Leesburg. So here again it is just piled on all the businesses whether they can get a utility savings or not, he thinks this is wrong. Then we talk about taxed too much or not or are we spending too much or not. He pulled from two cities, Clermont and Mt Dora, because Leesburg gets compared to them the most and Clermont spends 31% per resident less on fire service than Leesburg and Mt Dora spends 39% less. If you take the Mt Dora number, Leesburg is spending 1.5 million dollars more than if it was spending at Mt Dora levels. If at those levels you said we need another million two okay maybe but until you get your spending in line, yes spending has come down from 6 million to 5.495 last budget, but it needs to be down a whole lot further. These cities do not have anyone complaining about service levels so Leesburg is just going to have to do more with less just like other cities, like other businesses have done. If you do not want to do that there is a real easy solution to where we get 3 million dollars; 2.7 million just be getting rid of EMS. Call 911 and the county sends out EMS and so does Leesburg. Every time someone in his business called to order something if he sent it from two different stores, only used one and threw away the other but only got paid for one, he would go out of business real fast which is exactly what the city is doing. Everyone says it is a safety issue and we get someone there faster, then okay why not make all police officers or all public safety officers EMS agents to make a safe world, but cannot because it is silly and you just run out of money. Commissioner Robuck stated we have got to come to terms with what we can afford in Leesburg and electric rates do have to come down. He agrees with the city manager 100% on this but thinks there are other ways to do it; you cannot have everything you want only what you can afford. He stated he will be pushing that for the next meeting and thanked all the public for coming out tonight and spreading the word because there are many people in the community who cannot afford these taxes.

Commissioner Hurley stated we can compare Leesburg to other cities and it has been done for the three years he has been sitting here and he will keep doing it again and

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again. Whether it is six square miles and 25,000 people or forty square miles and 25,000 people it is not the number of people making the difference on the fire service it is the forty square miles to run. So if someone lives in town they do not care if the station down south is closed because it will not affect them; however, Mayor Dennison would care since she lives down south and wants the fire protection; it is important. Those out by the mall do not want the whole mall to burn down before a truck can get there from downtown, so we can use all these numbers and things and say stuff like the county is less but you have to look at the full picture. Leesburg has a great need for public safety and everybody should know by now that he is going to be supporting it, will never vote to do away with it and hopes to God no one will ever need it, but you will thank him if you do because it will be there; we have to have it. The city has been cutting since he got on this board three years ago, all we have done is cut and he has heard Bennett Walling say a thousand times to run the city like a private business and that is fine, but at some point our public bosses keep telling us what you want and it is a different group of bosses showing up on Monday nights. A group of bosses to tell us we have to have a library, a group of bosses has to have a park, a group to say they want someone answering the phones when they call about their utility bill. He stated you do not have to have a PhD figure this out it is simple math, addition and subtraction, but you do have to pay for the services. It is not like a private business on every aspect, we cannot do away with the customer service clerks, too many people need them and we cannot do away with the fire department because to him this whole idea of just not having a fire department is mind boggling that someone would even propose it. The county has said in black and white on paper what they would do and how much it would cost and it is more expensive. He stated he is all for figuring out a way to not have any ad valorem taxes, not having any assessment fees, and not have any kind of fees to anybody who lives in the city but yet provide all the services wanted. Figure that one out and he promises you will get his vote. Having said that he knows the next meeting will be exciting. **Mr. Walling** asked if Commissioner Hurley pays any city tax and if not should probably abstain from even voting on this issue. **Commissioner Hurley** stated for the next 14 months he will be sitting in this commission chair and voting. He stated Mr. Walling was one who pushed for the city to do some beautification because you cannot attract businesses. A Chick-fil-a will not come to your parking lot because of the demographics in a three mile radius or because the corridor is ugly you come and harp to get us to work on getting this place changed so it does not look so bad. In Venetian Gardens there are drug addicts and homeless people and you do not want that because when you go in Palmora Park and to the Venetian Gardens area, that is the jewel, you want the city to fix it. You keep coming here and throwing all this stuff the city needs to fix so it can flourish and not get left behind, and stand at the podium and said you remember when Leesburg was the number one city and is not last in the county. Commissioner Hurley stated so yes be mad at him but he is still going to vote for public safety and still going to vote for this city to have a pool that works, have parks that are mowed, have a safe place for our children to go, and is still going to vote for quality of life. **Commissioner Hurley** asked if there is an answer to his question from about six weeks ago the thrift stores scattering stuff outside to sell. **CM Minner** stated the answer is yes, staff can enforce the ordinance. He knows code enforcement is working on it and will get a report. **Commissioner Hurley** stated he keeps getting conflicted stories, but there is a guy that has put up chicken wire, a gate from a pasture, a gate from a house, has bob wire fence, a lean to, a pickup bed, a camper shell, a tent, a tarp and has for like a year made his compound right here beside the airport going down 441. He stated he personally does not like driving past there as he

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thinks it looks horrible and asked if this is in the city or the county. **CM Minner** stated it is county and staff has talked with the county about this. **Commissioner Hurley** stated he did receive a little voice of praise when the storm came through the other day. It also took out a huge section of one of the oak trees at the Boat Club and it was down on the docks and the boat ramp. Residents actually got out their chain saws and cleaned that up and helped to push it off to the side. He loves to see that spirit of our residents who will get out there and even when not being paid just try to do something to make Leesburg a little better.

Mayor Dennison stated regarding the storm that came through on Friday, she got to the apartments about a half hour after receiving the call and wants to complement the staff who showed up for the cleanup. They had already taken the roof away, they had branches down and all the work was done. They helped the citizens living in those apartments by putting them up in hotels, even though they are in the eviction process, and even went to notify one of the residents who works on 441 of what had happened. Mayor Dennison said these staff went over and above. She also received many compliments from Palmora Park residents who within a half hour had trucks out there helping them with snapped trees and trees that had fallen on houses. They asked her to relay to everyone who came out a thank you; they could not have asked for better service. In regards to code enforcement, Mayor Dennison stated she was contacted today about a house in foreclosure being handled by Grizzard, 2409 Winona Avenue. The roof is sagging, the ceiling inside is down, the septic tank system is overflowing, black mold is all over the inside of the house, and there are now animals living in it. The people who left stripped the house and right now it is a hazard. The residents have really helped the city by cleaning it up, by fixing their own houses, and they have this to contend with. Mayor Dennison asked that something be done with this house. Mayor Dennison also reminded everyone two weeks from tonight at the Community Building will be the public hearing on the fire assessment. The Commission has not voted on any assessment fees; it is all still in discussion. She asked everyone to come out and the Commission will be able to go over and answer any questions a lot better. Mayor Dennison stated for the Commissioners and anyone else from the city, Wednesday night the partnership between the Lightning and the city of Leesburg is being celebrated and everyone is asked to come.

ADJOURN:

Commissioner Christian moved to adjourn the meeting. The meeting adjourned at 7:18 p.m.

Mayor

ATTEST:

J. Andi Purvis
City Clerk & Recorder



Preparing for FY 16

Fire Assessment Fee & Electric Rates

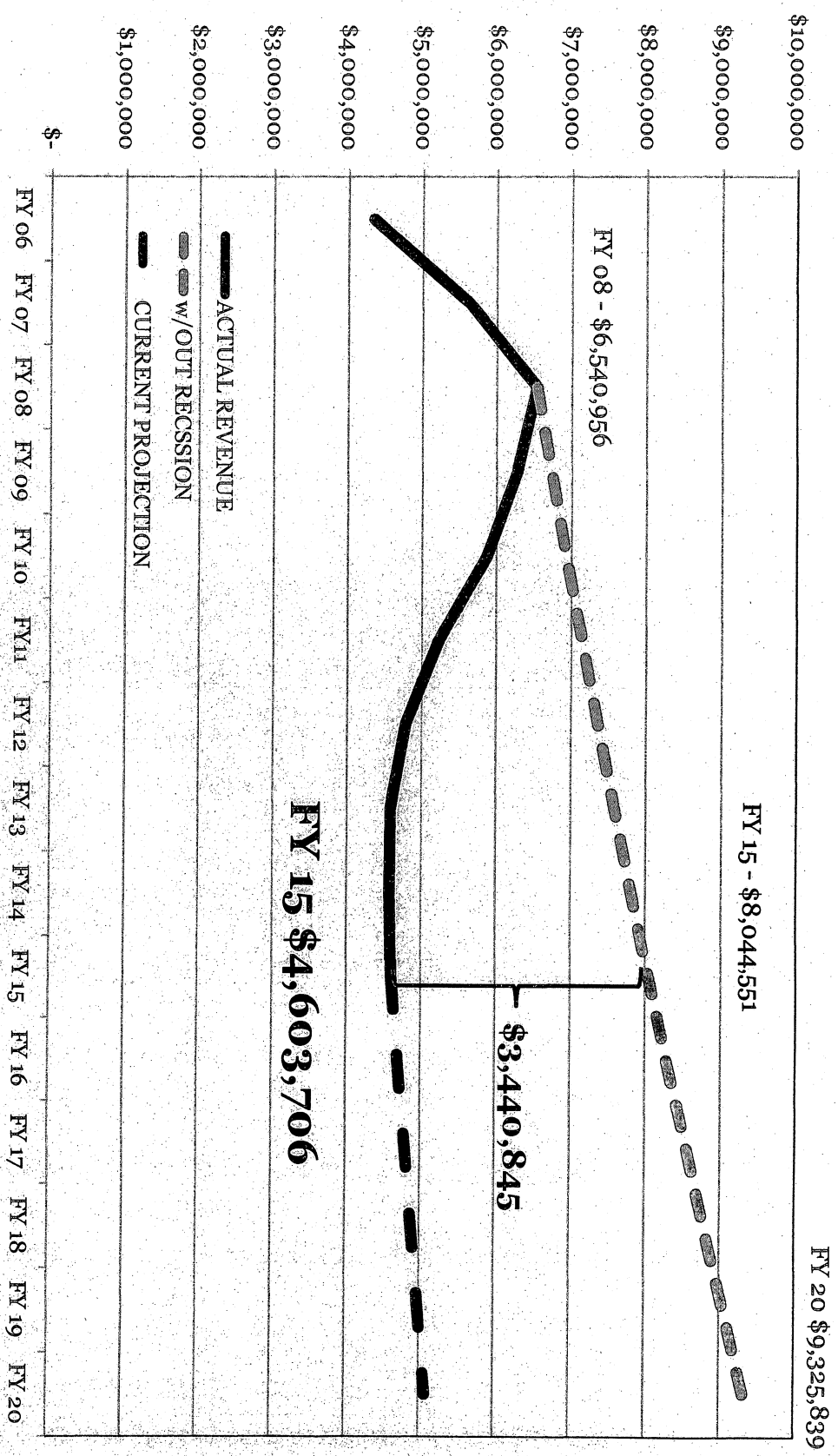
Monday, June 8, 2015

Purpose of Presentation

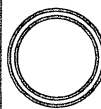


1. Review the History of Why the Community is Considering a Fire Assessment Fee
2. Review Data that Supports the Need to Fund Fire Services in a Different Fashion
3. Provide a Detailed Staff Recommendation Prior to June 22, 2015 Public Hearing
4. Give Details on How Potential New Revenue Can Fund Capital Improvements and Reduce Electric Rates

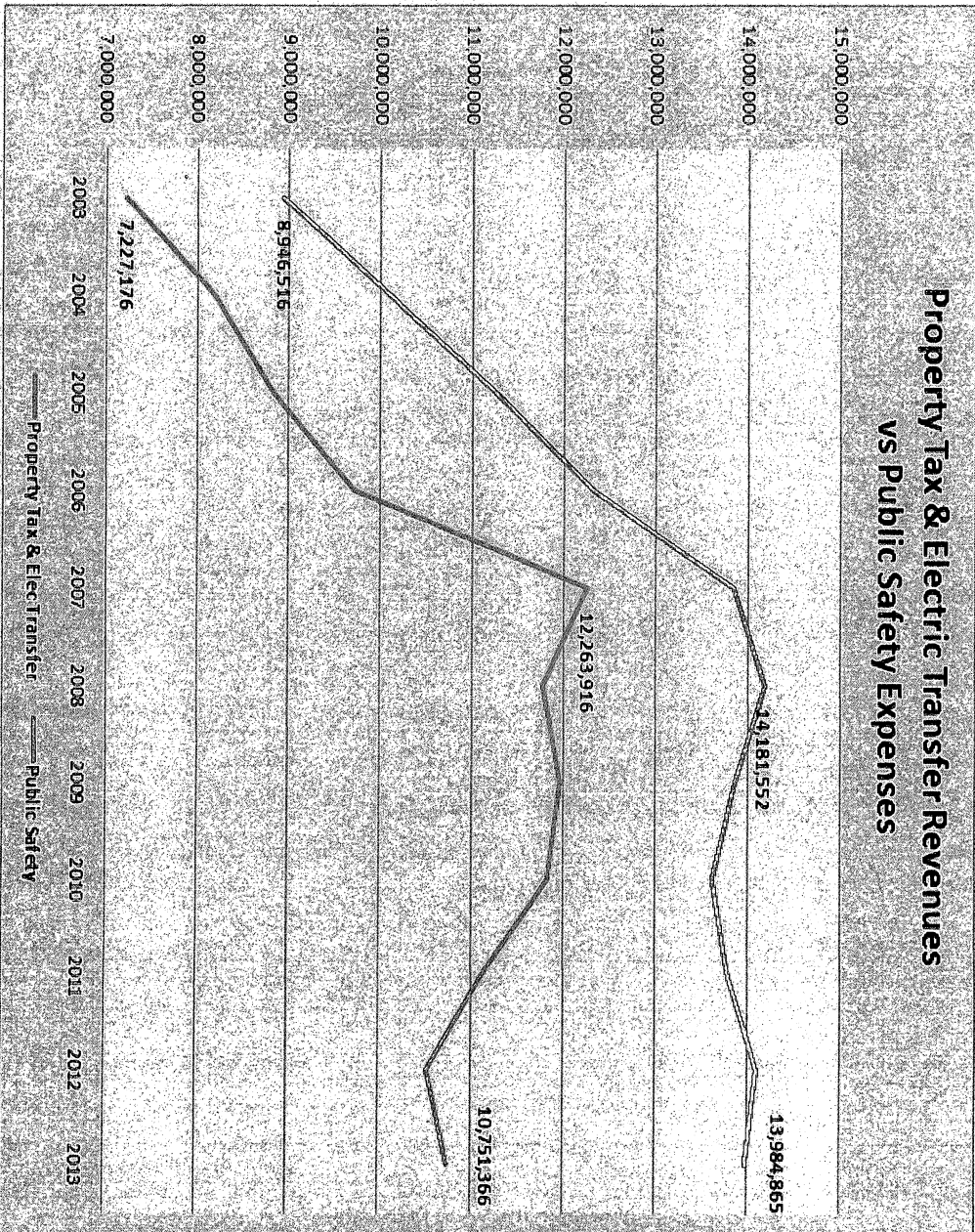
Effects of the Great Recession (Ad Valorem Revenue)



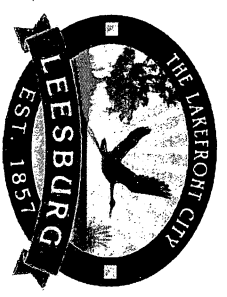
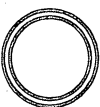
Public Safety Impact on General Fund



Property Tax & Electric Transfer Revenues
vs Public Safety Expenses



Financial Impasse For FY 18



FY 18 Is Critical Point for Leesburg's Financial Future, Because:

- DST Referendum
- 441/27 CRA Proceeds Expire
- Public Safety Expenses Squeezing Other General Fund Services

As a Result, The City Commission Has...



1. Leesburg has examined the cost/benefits of Fire Services for significant time.
2. Factors Leading to Fee Assessment Consideration:
 - ✓ Rising Costs
 - ✓ Slow to No Growth Factors Not Recouping Earlier Service Investments
 - ✓ Tax Revenues Flat and Declining
3. In Winter 2014, examined County Fire/EMS service delivery.
 - ✓ This option proved more costly with lower levels of service.
4. Developed the Fire Sustainability Plan.
 - ✓ Shift Capital Equipment Costs
 - ✓ Early Retirement Incentive Program Savings
 - ✓ Staff Reductions Through Attrition
 - 49 Fire Fighters and 4 Stations
 - ✓ Adoption of a Fire Assessment Fee
5. Conclusions

Financial Forecast Conclusions – FY 18



Worst Case Scenario - \$1,000,000+ Deficit

No Fire Assessment Fee

DST Sunsets (Currently Pays '04/'13 Issue - \$1.0M)

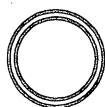
G.F. Scheduled to Absorb 441/27 Debt ('09 Issue \$1.0M)

Then:

- Gas/Solid Waste Funds to Pay CRA Debt
(Gas Has \$750K Available & \$500K in Solid Waste)
- Gas/Solid Waste Use Remaining Funds to Off Set '04 Issue
(Leaves a Deficit of \$750K)
- No Funds Available for Public Safety Fleet Lease
(Leaves a Deficit of \$225K)
- No Significant Funds for Capital Projects

Financial Forecast

Conclusions – FY 18



Status-Quo Scenario

No Fire Assessment Fee

DST Renewals (Currently Pays '04/'13 Issue - \$1.0M)

G.F. Scheduled to Absorb 441/27 Debt ('09 Issue \$1.0M)

Then:

➤ Gas/Solid Waste Fund to Pay CRA Debt

(Gas Has \$750K Available & \$500K in Solid Waste)

➤ DST Funds Continue to Cover the Cost of '04 Issue and Public Safety Fleet Lease

➤ Limited Capital Funds Available Between Residual DST, Gas Fund and Solid Waste Fund
(Currently \$1.5 Million – Approximately \$500K In This Scenario)

Financial Forecast

Conclusions – FY 18



Best-Case Scenario

Fire Assessment Fee – Max - \$2.7 Million

DST Renewals (Currently Pays '04/'13 Issue - \$1.0M)

G.F. Scheduled to Absorb 441/27 Debt ('09 Issue \$1.0M)

Then:

➤ Use GF Surplus, Gas Fund and Solid Waste Fund to Pay CRA Debt after a Refinance

➤ New Capital Projects and Capital Maintenance Funded By:

✓ Remaining Gas/SW Funds - \$500,000

✓ New Fire Assessment Revenues - \$500,000

✓ Plus Other Fund & Trfs - \$500,000

➤ DST Funds Continue to Cover the Cost of '04 Issue and Public Safety Fleet Lease

Operational Conclusions



Under Taxed and Over Utilited

Supporting Data



Desirable Community Comparatives – Tax Levy

MUNICIPALITY	PER CAPITA TAXES LEVIED	ESTIMATED ANNUAL TAXES
St. Augustine	\$ 631	\$ 1,202.16
Jacksonville Beach	\$ 470	\$ 969.89
Lake Mary	\$ 433	\$ 903.65
Venice	\$ 415	\$ 881.56
Ocala	\$ 388	\$ 658.34
Mount Dora	\$ 373	\$ 648.38
Tavares	\$ 273	\$ 501.47
Leesburg	\$ 232	\$ 364.34
Clermont	\$ 220	\$ 362.94
Deland	\$ 290	\$ 362.53
Winter Garden	\$ 227	\$ 355.59
Lakeland	\$ 209	\$ 289.56
Altamonte Springs	\$ 161	\$ 259.70
Gainesville	\$ 191	\$ 247.70
Apopka	\$ 157	\$ 219.87
Kissimmee	\$ 165	\$ 180.37
GROUP AVERAGE	\$ 302	\$ 525.42
STATEWIDE AVERAGES	\$ 378	

\$70 Below
Group
Average

\$146 Below
State Average

Supporting Data



Lake County Community Comparatives – Tax Levy

Communities w/ Fire
Assessment Fees of
\$142, \$59, \$120, \$40

MUNICIPALITY	PER CAPITA TAXES		ESTIMATED ANNUAL TAXES	
	LEVIED			
Howey-in-the-Hills	\$ 42	\$		1,006.16
Mount Dora	\$ 373	\$		648.38
Eustis	\$ 295	\$		358.96
Tavares*	\$ 273	\$		501.04
Umatilla	\$ 249	\$		210.34
Leesburg	\$ 232	\$		364.34
Clermont	\$ 220	\$		362.94
Groveland	\$ 220	\$		276.38
Minneola*	\$ 206	\$		254.52
Lady Lake	\$ 188	\$		306.53
Fruitland Park	\$ 176	\$		203.84
Mascotte*	\$ 175	\$		75.62
Astatula	\$ 154	\$		73.59
Montverde*	\$ 146	\$		264.08
GROUP AVERAGE	\$ 211	\$		350.48

Supporting Data



Regional Electric Rate Comparatives

UTILITY PROVIDER 1,000 kWh/Month

Leesburg (Future)	\$	145.92
Gainesville	\$	140.50
Leesburg (Current)	\$	138.97
Duke Energy	\$	129.49
Sumter Electric	\$	124.23
Mount Dora	\$	120.38
Ocala	\$	118.64
Lakeland	\$	106.14
STATEWIDE AVERAGES	\$	125.02

Reasons For Adopting A Fire Assessment Fee



Revenue Stability

- ✓ Assessment creates a fire service charge based on actual service delivery costs; thereby, providing fiscal accountability and service justification.
- ✓ Assessment can fairly distribute the cost of fire services to all classes of users that demand a high level of fire protection - Industrial, Commercial, Residential and Institutional.
- ✓ As tax base weakens, Assessment creates a new revenue which finances public safety services, without absorbing all general revenues and increasing utility costs by over reliance on Enterprise Transfers.

Staff Recommendation



1. Implement a Fire Assessment Fee that will generate at least \$2.7 Million in Annual Revenue:

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$155.00
	Rate Per Square Foot
Commercial	\$0.14
Industrial/Warehouse	\$0.03
Institutional	\$0.23
Church	\$0.21

2. Use New Revenues to:

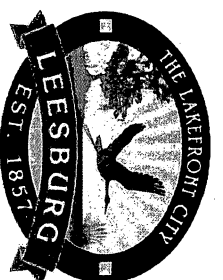
- Reduce Electric Rates By Reducing the Electric to General Fund Transfer (\$2.2 Million)
- Provide a funding source for General Capital Improvement Project (\$500,000)

New Revenue For the General Fund



1. Creates Earmarked Revenue For Fire Services Pursuant to the Sustainability Plan Developed in Summer 2014
2. Generates \$500,000 for future Capital Improvements
 - A. Community Center
 - B. Swimming Pool
 - C. Corridor Enhancements (441,27, West Main)
 - D. Other Projects As May Be Determined
 - E. Pay-As-You-Go or Go-As-You Pay
 - F. Sinking Fund Until
 - ✓ CIPs Determined
 - ✓ DST Referendum is Considered (November 2017)
3. Provides Options to Pay-Off or Reduce 441/27 CRA Debt

New Revenue For the Electric Fund



1. Fire Assessment Fee, Coupled w/ Other Developments in the Electric Fund and Provide Substantial Rate Reduction

Per 1,000 Residential Kwh	
Current Rate	\$ 138.95
\$2.2 GF Transfer Reduction	\$ (4.64)
Existing BCPA	\$ (2.00)
Tiered Rates	\$ (2.00)
Duke Settlement - SG Debt Pay Off	\$ (1.46)
NEW RATE	\$ 128.85

1. Scheduled Rate for Fall '15 is \$145.90 – Proposal is a 11.7% reduction

Summary

How Much Will the Fire Assessment Fee Cost Leesburg Residents?



RELATIVITY COMPARISON

Residential @ 1000kwh

Scheduled 5% Rate Increase @ Nov 2015	\$	144.32	\$	144.32	\$	144.32
Annual Electric Cost	\$	1,731.84	\$	1,731.84	\$	1,731.84
Fire Assessment Fee	\$	-	\$	-	\$	-
TOTAL COST with Nov 2015 Elec Increase	\$	1,731.84	\$	1,731.84	\$	1,731.84

Electric Rate Reduction (From FY 14 Rates)

	2.30%	4.60%	6.88%
One Month Revenue with Rate Reduction	\$ 136.51	\$ 134.05	\$ 131.61
Annual Electric Costs	\$ 1,638.12	\$ 1,608.60	\$ 1,579.32
Fire Assessment Fee	\$ 60.00	\$ 105.00	\$ 155.00
TOTAL COST	\$ 1,698.12	\$ 1,713.60	\$ 1,734.32
RELATIVE SAVINGS (Increase)	\$ 33.72	\$ 18.24	\$ (2.48)

- Publix
- Walmart
- Restaurants
- Hospital

COMMERCIAL ACCOUNTS

Fiscal Year Assessment

Current Rates by Use 2024

Commercial	21,910.45	251,920.00	251,920.00	6,300.10	6,300.10	6,300.10	6,300.10	6,300.10	6,300.10
Industrial	2,000.00	4,000.00	4,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Residential	14,910.45	148,000.00	147,920.00	3,300.10	3,300.10	3,300.10	3,300.10	3,300.10	3,300.10
Unimproved	5,000.00	1,000.00	4,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
Unimproved (Overseas)	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Total Commercial with New 2024 Rates Imposed									

2024

24,910.45

256,920.00

255,920.00

14,600.20

14,600.20

14,600.20

14,600.20

14,600.20

14,600.20

Current Rates by Use 2024

Commercial	21,910.45	251,920.00	251,920.00	6,300.10	6,300.10	6,300.10	6,300.10	6,300.10	6,300.10
Industrial	2,000.00	4,000.00	4,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Residential	14,910.45	148,000.00	147,920.00	3,300.10	3,300.10	3,300.10	3,300.10	3,300.10	3,300.10
Unimproved	5,000.00	1,000.00	4,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
Unimproved (Overseas)	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Total Commercial with New 2024 Rates Imposed									

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Current Rates by Use 2024

Commercial	21,910.45	251,920.00	251,920.00	6,300.10	6,300.10	6,300.10	6,300.10	6,300.10	6,300.10
Industrial	2,000.00	4,000.00	4,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
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Unimproved (Overseas)	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00			

Accomplishments



1. Lower Debt

- 441/27 CRA
- Smart Grid Issue

2. Lower Electric Rates

3. Develop New Revenue for Capital Improvements

Cautions



1. DST Referendum – November 2015

(December 31, 2017 – Current Ending)

2. Lower Fire Assessment Fee Amount

**MINUTES OF THE CITY COMMISSION MEETING
TUESDAY, MAY 26, 2015**

The City of Leesburg Commission held a regular meeting Tuesday, May 26, 2015, in the Commission Chambers at City Hall. Mayor Dennison called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Bob Bone
Commissioner John Christian
Commissioner Jay Hurley
Commissioner Dan Robuck
Mayor Elise Dennison

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Fred Morrison, the news media, and others.

Mayor Dennison gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

PRESENTATIONS: None

CONSENT AGENDA:

Item pulled for discussion:

4.C.4 - Construction Services Agreement with Samsula Waste, Inc. for the demolition of the Venetian Isles Apartments

Commissioner Christian moved to adopt the Consent Agenda except for 4.C.4 and Commissioner Hurley seconded the motion.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:

CITY COMMISSION MEETING MINUTES:

Fire Assessment Workshop held January 27, 2015

PURCHASING ITEMS:

Purchase request by the Public Works Department Wastewater Division for the purchase of liquid sodium hypochlorite for water and wastewater treatment from Allied Universal under an existing agreement.

MINUTES OF THE CITY COMMISSION MEETING TUESDAY, MAY 26, 2015

Purchase request and bid award for the purchase of Ciena optical network equipment by the Communications Utility from Ronco Communications for a total amount of \$66,972.05.

RESOLUTION 9600

Resolution of the City Commission of the City of Leesburg accepting a Utility Easement from Cynthia Clark and Daniel C. Devries, for land located at 9145 Silver Lake Drive, Leesburg, Florida 34788, Lake County, Florida; and providing an effective date.

RESOLUTION 9601

Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a utility easement from PRVR of Tavares, LLC; and providing an effective date.

RESOLUTION 9602

Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Subordination of City Utility Interests with the State of Florida Department of Transportation; and providing an effective date.

RESOLUTION 9603

Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Subordination of City Utility Interests with the State of Florida Department of Transportation; and providing an effective date.

RESOLUTION 9604

Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Library Department to apply for and accept, if awarded, a grant from the Lake County Board of County Commissioners of \$18,767 to purchase and install metal shelving for the storage and display of library materials, and providing an effective date.

RESOLUTION 9605

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Investment Manager Agreement with Fiduciary First, LLC to act as the Investment Manager for the employee 401(a) - Defined Contribution and 457(b) Deferred Compensation retirement plans; and providing an effective date.

ADOPTED RESOLUTION 9606 CONSTRUCTION SERVICES AGREEMENT WITH SAMSULA WASTE, INC. D/B/A SAMSULA DEMOLITION FOR THE DEMOLITION OF THE VENETIAN ISLES APARTMENTS

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE A CONSTRUCTION SERVICES AGREEMENT
WITH SAMSULA WASTE, INC. D/B/A SAMSULA DEMOLITION
FOR THE DEMOLITION OF THE VENETIAN ISLES APARTMENTS

MINUTES OF THE CITY COMMISSION MEETING TUESDAY, MAY 26, 2015

FOR A COST OF \$88,693.00; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Robuck seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Commissioner Robuck asked the city manager to give the public a quick explanation of what the city has done for these tenants.

CM Minner stated he cannot remember the exact closing date but essentially the city took ownership of Venetian Isles Apartments effective March 1. Immediately following ownership the city sent a letter to all the tenants informing them the apartments would officially close July 31, giving them about five months' notice to the end of their lease agreements. The letter said rent figures would remain the same and also outlined ways staff would be able to help each leasee, such as working with them through the county programs to receive deferment on deposit monies in the future, or if they vacated within 60 days they would receive rent credit. Subsequent to that there was a meeting with all the tenants to explain all the incentives and based on that meeting two more incentives were added, which he informed the Commission of; help with some deposit monies and would completely forgo rent for the month of March if they moved out by the end of March and that also included helping them pay other deposits from our own pockets. There were two or three tenants who took advantage of this offer and a couple more tenants moved out by the end of April. If his numbers are correct, there were 16 occupied units by the end of April and there is now six or seven left. On May 1, the city sent notices to the seven remaining tenants and the notices got a little stronger; essentially reminded them that they not take the city up on the offered incentives, which were available in March and April, so they became delinquent in their rent payments for those months. They were informed by that letter that they needed to pay their rent by May 8th which gave them an extra week. He thinks bottom line the city has been very professional, the letters have been very courteous and professional, and group meetings were held with them as well as our Housing Manager (HM) Ken Thomas continues to work individually with them to help find places.

CA Morrison stated actually there are four tenants left who have not paid rent and there are evictions pending on those; the first hearing is next week. These are the people who did not pay rent, did not move out, did not take advantage of the incentives, and basically did not do anything.

CM Minner stated essentially the tenants who have not paid rent are going to go through the eviction process; they need to pay their rent or will be evicted prior to July 31.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the resolution.

**ADOPTED ORDINANCE 15-20 AMENDING THE CITY OF LEESBURG
DISCRIMINATION POLICY**

City Clerk Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CREATING ARTICLE II OF CHAPTER 15 OF THE CITY OF LEESBURG CODE OF ORDINANCES; PROHIBITING DISCRIMINATION AGAINST INDIVIDUALS DUE TO RACE, COLOR, RELIGION, NATIONAL ORIGIN, MARITAL STATUS, AGE, GENDER, SEXUAL ORIENTATON, GENDER IDENTITY, OR HANDICAP, IN PUBLIC ACCOMMODATIONS, FINANCIAL SERVICES, AND EMPLOYMENT; CREATING LIMITED EXCEPTIONS FOR CERTAIN RELIGIOUS ORGANIZATIONS; PROHIBITING RETALIATION AGAINST PERSONS WHO FILE COMPLAINTS; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Robuck moved to adopt the ordinance and Commissioner Hurley seconded the motion.

Mayor Dennison requested comments from the Commission and audience.

Commissioner Robuck stated he introduced this ordinance two weeks ago but just wanted to clarify what this ordinance is about; it prohibits discrimination, it does not do anything else. It does not have anything to do with marriage, or who you have to your house for dinner, or who can go to your church; it has to do with discrimination in public and the work place. A vote in favor says Leesburg is the city that does not tolerate discrimination or a vote against says we are okay with certain types of discrimination. In the last meeting and also in the newspaper, he made some comparisons to some civil rights issues and while he does think the issues are similar he just wants to be clear that he does not think the ordeal is the same. If looking at the videos of the beatings and water hosing, people now are not going through that level, but it is still discrimination and if anything he thinks the LGBT community owes certainly a debt to the civil rights pioneers and because of what they did we are able to have discussions like this and talk about stopping this discrimination. Another issue came up when Commissioner Christian brought up the difference he felt between this and discrimination based on race is that he cannot change the color of his skin, implying that sexual orientation is a choice. Commissioner Robuck stated he and a majority of the scientific community do not feel that way, it is not a choice, and if we go down that line of thinking already at the federal level prohibits discrimination based on something that is absolutely a choice and that is religion. You can certainly pick your religion, you are not born with a religion, and he does not think anyone would argue that because you can pick religion you should have to hide it in order to not be discriminated against. It would be absolutely ridiculous to think someone wearing a cross or a Star of David could have a restaurant refuse to serve them. He

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thinks many feel their religion, as a choice, is very much a part of who they are as those things that are not a choice, such as the color of your skin or your sex; it is who they are. Commissioner Robuck stated of course there are some who do not think the city should be involved with this issue which is a valid point of view and he would certainly prefer that the federal or state government address this issue to give it more teeth and be the ideal solution, but neither our state or federal governments can even pass a budget so waiting for them to act on this could be a really long time. If it comes to the judicial system addressing it, which is another option, 1) the issue before the Supreme Court now is gay marriage not discrimination, and 2) this Commission is a legislative body, that is what we were elected to do legislate and we absolutely have the power to act on this issue. This is not a novel concept; there are 28 counties and 22 states that have already done something. In 2014 polls across the US 67% of Americans said it should be illegal to fire someone due to their sexual orientation and last year in a Florida poll 80%, but there are big disconnects because in the national poll only 12% thought it was legal. This is a real issue and people are being discriminated against. In the same national poll 23% of the LGBT community said they had been targeted for their orientation as a business customer, 21% targeted in the work place, and of course the city only has limited penalties it can impose, but he thinks this is so much more important than just the penalties; it is all about the message Leesburg is sending. Think about the kids in our community who maybe in high school are struggling with who they are or what their orientation is and if we vote this down tonight what type of message are we sending, that it is okay to discriminate against a certain thing or that maybe it is not but now is just not the right time to deal with it. The Commission is elected to a position of power and authority and with that comes the responsibility to do the right things for our constituents and this ordinance gives us the opportunity to do that. Commissioner Robuck hopes the Commission would strongly consider sending that message to Leesburg.

Commissioner Christian stated since his name came up personally, he purposely and systematically did not mention religion in any of his comments at the last commission meeting or talking to the newspaper editorial for twenty minutes on the phone because somehow he figured someone would try to paint the African American pastor as someone who uses religion on this matter. He asked if anyone can find any of the tapes where he, John Christian, made reference to religion in reference to this to please tell him and he will say you will not find it because he purposely did not do that. As he talked to the editorial person, no one asked Pastor John are you voting on this because you are a pastor, they did not ask that when we voted on a multi-million dollar streetscape on Main Street, or when we voted on any other city issues. He is glad acknowledgement was made to 1965 and the discriminatory things that happened during the civil rights movement. He stated purposely for himself, when reading the ordinance it talks about the city of Leesburg's enforcement policy and this strikes him as something that is alarming; it pretty much says if there is a disagreement someone complains to the city manager or his designee, they have certain amount of days to refute this, and if they cannot come up with anything agreement then the complainant must pursue any remedy provided by the state or federal law. Commissioner Robuck said the state or federal government cannot pass a budget, but we are going to have the city manager investigate any complaints and if nobody agrees then the person is given a letter that says now go to the state or federal government, which cannot pass a budget, and do something about it. The Commission voted 1-4 a couple weeks back when it came to anti-tobacco because it did not want to impose on businesses laws that could not be enforced and here it goes

again. He stated Commissioner Robuck said a vote against this ordinance is a vote that agrees with discrimination, however, Commissioner Christian does not think that and hates it when a picture is painted that someone is against someone else. He stated the Commission is here to govern the city of Leesburg, our city manager has control over the employees and we are now saying to the entire city, if you read this ordinance, not going to tell churches who they can bring in or not telling club organizations who they can bring it, so it still goes back to who are we trying to protect. Does the city have the power and authority to tell a Sonny's BBQ or anyone that someone thinks they were discriminated against so we are going to investigate and then give you a letter? He just does not think the city of Leesburg at this point has the tools, or the teeth with this ordinance that is going to do anything to alleviate a discrimination complaint. You can say on record that Leesburg is against discrimination and that is great but if giving people a false sense of hope is it really doing anything productive. Commissioner Christian stated to set the record straight, never did John Christian say anything about religion or ever mention religion in any of his commentaries about this ordinance.

Commissioner Bone stated there is no anti-discrimination ordinance in the city of Leesburg, regardless of what the discrimination is; this is not an amendment to an ordinance to add sexual orientation it is a brand new ordinance. In creating laws he has been of the opinion that laws are driven by the voice of the people and what they feel is necessary in their communities. His concern has this was being presented was frankly having run a recent campaign where he knocked on many city of Leesburg doors and talked to many business owners, not once did he hear Leesburg needs an anti-discrimination ordinance. So to be first approached with this ordinance and see it with the background of saying laws are created based on what the will of the people, he was a bit concerned in creating an ordinance that was not being driven by the voice of the people. Having said that after some discussion and consideration, his reflection of Leesburg is to be an understanding, loving, and welcoming city that will welcome anyone. He and his wife are not your traditional American family and they were welcomed in Leesburg, so his experience has been does Leesburg really need an ordinance because he was not aware of any discrimination as a whole. However, after discussions with others he has come to a little different opinion and thinks our laws need to be reflective of what Leesburg is; a loving, compassionate, friendly accepting city of all diversities. He thinks this ordinance as a whole is an anti-discrimination ordinance across the board, not just because of sexual orientation, but all discriminations. He thinks this ordinance it is reflective of Leesburg as a whole as a city that does not discriminate and welcomes people of all color, religion, race, or natural origin, etc. Our mall has a new owner from a Middle Eastern country. He hopes people will speak out tonight and will share a conversation someone shared with him regarding another Lake County city that they say has more gay people and the local person's response was no they do not, Leesburg actually has more and we do not need to have an organization here in Leesburg that allows them to exist and to congregate because they are included anyway. They are included in our chamber, our businesses, our social events, and our churches. Commissioner Bone stated he thinks this is an important ordinance for Leesburg.

Commissioner Bone stated this ordinance was drafted from the city of Orlando and he would like to point out a couple of distinctions that he has already mentioned to our attorney. He did want to point out as he did a little reading he came across a Florida Human Rights ordinance paper done by the Florida Association of County Attorneys in

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2013 and there was some interesting things about how different cities and counties have created these ordinances, how they go about it and what penalties there are. In the city of Gainesville they reported 30 cases of discrimination in 2013 with two-thirds of those arising out of violations in the private sector and one-third out of the city policy. An interesting fact was that complaints of race discrimination comprised the largest number of charges and out of the 30 cases they say approximately 85% had a no cause; reviewed and found no discrimination. He thinks we may find that the bigger effect in this ordinance is not sexual orientation but it may in fact be race as it is in Gainesville. Commissioner Bone stated as to the Orlando ordinance which this was based off of he would like to see a couple changes made to Leesburg's ordinance. He would prefer to have an appointed board hear and review the complaints as he feels some may be racially related and it would be better to have a board hear those cases rather than one individual. He spoke briefly about this with the city manager and the way this is written the city manager does have the authority to make designations as to who would hear the complaints and that he would consider having a committee. He would like to see added that the review of these complaints fall under a guideline to stay within the spirit of the Federal legislation concerning age discrimination, civil rights and so forth. Also, the last sentence in the Orlando ordinance has a provision essentially saying any violation of the ordinance is a violation against city code and in their code is a provision subject to a \$500 fine for violations. Our ordinance does not say that, but in talking with the city attorney the city does have a catch all code provisions saying any violation of the city code can result in a fine. The city of Orlando also has a city persecutor which Leesburg does not so this ordinance does lack a little teeth but Leesburg does have a provision in its code that if there is a violation of this ordinance, the anti-discrimination, there can be a monetary fine of some value.

CA Morrison stated he cannot quote the code off the top of his head as it is so rarely used but it has been on the books for years and if he recalls correctly is it \$500.00. He also stated county court will not take municipal cases without the city hiring a prosecutor. Changes can be made to the ordinance if the Commission so desires.

Commissioner Bone stated for clarification under the unlawful discriminatory practices and public accommodations, section 15-20, section 2, paragraph E states you cannot discriminate and it lists nursery, kindergarten, or day care but is it talking about any library or educational facility supported in part or whole by public funds. Then further down in the limitation section it says here that nothing in this section shall prohibit a religious organization where it uses facilities which it owns or operates for other than a commercial purpose, to persons of the same religion. He hates to be a lawyer on this one, but wants to be clear if this ordinance passes that a church with a nursery, kindergarten, school, or day care this ordinance will not apply to them. He just wants to make sure that based on whatever their religious beliefs are that this ordinance would not infringe on those religious belief in operating that school or day care.

CA Morrison stated no as he reads it and stated this section comes verbatim from the Orlando ordinance. The way he reads it would apply to like a Sunday School where the parents go to church and children are watched by a member of the church who takes them and teaches religious sort of things. It is limited to that religion because it is incorporated into their worship center. He stated typically government does not get into interpreting religious doctrine of particular denominations. It is well established law that you do not

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tell the Baptist or Catholic or Lutherans or Jewish Synagogues what they are supposed to believe.

Commissioner Bone asked if a Jewish child wants to go to the Baptist day care does that mean they have now lost their religious exemption.

CA Morrison stated day cares open to the public would fall under the ordinance; in other words they would have to accept everyone.

Commissioner Bone stated in section 15–25 the overall religious exemption there, and again this seems a little broader exemption for religion, but it says nothing contained in this chapter will be construed to bar any religious or denominational institution or any organization operated for charitable or educational purposes which is operated in connection with the religious organization from limiting employment, sales or rental of housing accommodations, or admission or giving the preference to persons of the same religion or denomination. The part or from making such selection as is calculated by such organizations to promote the religious principles for which it is established or maintained as it may be permitted by law, does this mean a church can say this day care, or school as long as it is not violating a federal law, that they have made a determination to promote our religious principles as established can say they are exempt from this ordinance.

CA Morrison said he cannot speak for the person who wrote this, but it is his opinion that the law in the area of conflict between discrimination ordinances, general ordinances, and the ability of religious organizations to obtain exemptions from those is very much in flux right now. He frankly does not know how you could tighten this up without opening the city up to the same type of litigation as seen in the Hobby Lobby case for instance. That was a decision on one point of federal law but there has not been a broad determination yet where that line is and then you have the federal statute which also provides even greater protection.

Commissioner Bone stated while he is supportive of the ordinance and having an anti-discrimination ordinance as a whole, he does not think the city needs to go so far as to infringe on the religious rights that are also constitutionally protected. His intent would be that religious schools, day care and so forth be exempt from this.

CA Morrison stated he thinks it is certainly a possibility to exempt them totally. He thinks it would take out the reference to federal and state law because if this is a local ordinance you are only enforcing what you have.

Commissioner Bone stated those are some of his direct thoughts on the ordinance and things he would like to see clarified and changed particularly so the city does not cross the boundary into the religious freedoms with the church and their schools. In his personal opinion this is one of those issues where the Commission can be somewhat dividing and have different opinions on these things based on our backgrounds and beliefs but in comparing one protected class against another protected class, why should one be protected and the other not.

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Commissioner Hurley stated he has an issue with Commissioner Robuck coming out and attacking both he and Commissioner Christian on some religious way and also pulling the media into it. To say if this Commission does not agree with this particular ordinance that we are wrong or bad or that we believe in some form of discrimination is wrong. He stated he does not believe the city needs this ordinance and does not think we have a discrimination problem in Leesburg. He appreciates Commissioner Bone's remarks and does not know Commissioner Robuck's agenda but feels this has done nothing but cause division. We have taken people who have been working side by side in the community, people who have been doing things together in the community on different boards and on different issues and now all of a sudden this has turned into some big, you do not like me, I do not like you and here we go we have division. Everybody is talking about it, it is hitting the press and now the people you like and have had a great relationship with for a long time all of a sudden division comes up with this issue; something that does not even need to be addressed and now all of a sudden it is world war three. Commissioner Hurley stated for himself the issue of discrimination is not relevant, there is not a problem here or we would be talking about it. If there was a big discrimination here, the two or three times Commissioner Christian thought there was some, he came in here and pounded on the podium and we hammered it out and talked about it; it has never been something we hide. One of the biggest community leaders in Leesburg is probably one of the most open gay people who he sits on many boards, he is involved in every aspect whether it is for the city itself as a spoke person, or emceeding our parades; we just do not need an ordinance. He stated in his opinion everybody should be protected from discrimination, not just special classes of people. There should be a discrimination that says no matter who you are, you have the right to your job and if doing a good job it does not matter the color of your hair, or the color of your eyes, short or tall, fat or skinny, you have the right to do your job. His issue which he brought up in the last meeting was there is a fine line between saying the difference between choice and discrimination. If as a business owner you want to do something as goofy as saying you are not going to sell to someone because of A, B, or C then you are going to have to take all the responsibility of the ramifications. There is also a court system in place to handle such civil issues if they need to be handled but for the city to come out and say it is going to be the watch dog and let someone come here to complain they did not like the way they were treated at the hardware store and then go to try to investigate damages and spend all this money to really impose nothing. Commissioner Hurley stated personally he thinks that everybody should be treated fairly; everybody, not just first little classes of people, everybody, and we do not need a discrimination ordinance to put that in place.

Mayor Dennison stated Leesburg is being proactive not reactive. She received telephone calls from the newspaper this week asking her what happened, why is Leesburg doing this and she answered because Leesburg is ahead of the curve, we are proactive. This is being done because as Commissioner Bone said Leesburg is a welcoming place; Leesburg welcomes all, you come help Leesburg you are accepted. It is not justifying sexual orientation marriages; it is just saying Leesburg does not discriminate. She stated there was a little paper written over a couple hundred years ago that said all men are created equal, or should she say all persons are created equal; this is in our constitution. She does not think by being proactive and coming across with a statement that Leesburg is an encompassing city that does not discriminate and does not appreciate discrimination, she sees no problem with this statement.

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Public Comments:

J. Scott Berry stated his is not here to change anyone's personal opinions, or religious beliefs, everyone is entitled to have those, but that is not what this ordinance is about. This is about what is good for the city and the opportunity you as elected representatives of the people have to make the bold statement to the rest of the county that Leesburg will not tolerate discrimination. He can say that discrimination against people who are gay does exist in Leesburg; he has been a victim of it. A nay vote empowers those people to be more discriminatory and more vocal, you are giving them power, but look at the bigger picture of this, the message this ordinance sends to our community. He stated he has been the victim very recently of light bullying and harassment from people; there are always mean people in the world just looking for reasons to bully and he is afraid that a nay vote will give these people a reason to continue. He stated he is proud to live in Leesburg, is proud of his community and as reference does have many gay friends who live here; they are all very involved all throughout the community and will continue to be. They are involved in politics, events, fundraisers, couples, families, singles, employee tax payers, they are like everybody else and this ordinance gives that section of the community protection and sends a message to the rest of the community that the city of Leesburg will protect and care about all citizens regardless of gender, race, sexual orientation, age, disability, or whatever. This is a clear bold message for a progressive Commission which he believe we have. He is not worried about how this ordinance will affect him in life, because he is covered with his peeps and backers, but there are a lot of kids, teenagers, a lot of young adults out there who are still struggling with these issues and they are discriminated against on a regular basis so we need to speak up for them. Mr. Berry stated he believes in this Commission and thinks it is going to do the right thing; be progressive and send a message that Leesburg will be the first city in Lake County to have this ordinance.

Don Lukich stated the Mayor said it perfectly; 250 years ago all persons are created equal. He thinks that answers the question so why bother cluttering up the ordinance with something like this when there are other remedies in place that do not need to involve the city.

Jane Heptin thanked the Mayor for allowing the public to speak and thanked Commissioner Robuck for bring this up. She has served on the Lake Sumter State College equity and diversity advisory commission for several years and has volunteered at Beacon College. She knows both colleges have passed anti-discrimination policies prohibiting discrimination on the basis of sexual orientation. Mrs. Heptin urged the Commission to pass this ordinance as it just says the right thing about Leesburg.

Lynn Setcliff said she is the proud mother of a transgender child and stated to the Commission members who spoke about not being aware that this faction of our society is victimized by discrimination are ignorant. When her daughter was in second grade she was determined to be gifted with a genius IQ but Mrs. Setcliff stated that in her junior year at Leesburg High School she was forced to withdraw her daughter because she had tried to start a LGBT alliance in the high school and on that day she was attacked and spit on. The guidance office suggested she be withdrawn from school because the discrimination was so rampant against students who had alternative life styles. Commissioner Bone mentioned going door to door in the course of his campaigning and

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it is unfortunate he was not given the experience to speak to any members of the LGBT community because he would have had an ear full. She stated this ordinance has to pass because it is a message to everyone that whether or not you have been a personal victim of discrimination Leesburg will not condone it. She agrees with Mr. Berry, just because you do not personally know about discrimination does not mean it does not exist; it is here, it does exist. Mrs. Setcliff suggested if anyone has concerns about whether or not this discrimination is present or whether or not this ordinance is necessary that you invite those members of the community to come and speak in open forum and tell you first hand of their experiences. It was mentioned church day care, nursery, and school, church schools are free to do whatever they want to a large decree, but the public schools are supposed to be accountable because they get funding and they are supposed to keep our kids safe and nurture them to learn. Kids are not learning in this environment of hatred. It is right down the street not in another county, it is right here in Leesburg and you can find out about it if you listen. Mrs. Setcliff stated she would appreciate if the Commission would give this ordinance a grander consideration then just what it knows personally.

Jacob Bonyng stated he is a former downtown Leesburg business owner and the current VP of a non-profit based here in Leesburg called Forward Paths, serving the community homeless and unaccompanied youth as well as teenager and young adults aging out of foster care. They were recently helping a young homeless man apply for an apartment here in Leesburg and it was not until the property manager was reviewing his application and realized this young man was legally and technically still a she; he is transgender and was denied the apartment for this reason. The young man remained homeless and lived in the basement of Mr. Bonyng's mother's home for a while until adequate housing could be found. This is an issue of discrimination happening right here in Leesburg and just because you are not aware of it, or personally involved with an issue of discrimination does not mean it does not exist. Local governments are great because they have the opportunity to be the most responsive to these cases of individual discrimination. The inconvenience of the enforcement is not a viable reason to deny these protections to everyone. Enforcement here is not the main concern; it is the enforcements of safety and wellbeing of all residents.

Ruby Mitchell stated she understands discrimination and five of her seven children are classified gifted and have come against stumbling blocks because of their color cult. She does not understand why it is necessary for this ordinance because everyone in Leesburg has the opportunity to own a business or do business in Leesburg. She would clarification as what happens if as a business owner she turns someone away, not because of their sexual orientation, she has many gay friends, but as a business owner what happens to her. If the KKK comes in here business and she turns them down because they are not a fit for her, what happens, is she discriminating against them? She just wants clarification of what this Commission will accept; who is this really protecting. If a business does not accept her based on color she just goes to another one who will. Discrimination has always been here; are we going to nit-pick every little issue and make a policy for every little person that is discriminated against? As a business owner how are we going to know who is a protected class, how are we going to know who we can or cannot discriminate against and how are we going to know if we discriminate against somebody.

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Mayor Dennison stated the KKK is not a protected class so she does not think that is an issue if they are turned away and yes they do exist around here. She stated the classes are clearly spelled out in this ordinance that are not to be discriminated against.

CM Minner thinks it is a fair question, what happens pursuant to the ordinance in cases of discrimination. The ordinance does clearly lay out the policy of what happens. If there is a complaint of discrimination the city manager is charged to hold a series of conciliation conferences and through these conferences the city manager determines whether there has been discrimination. If the city manager determines that there was no violation of discrimination it is written up and the case is dismissed. If there is found to be discrimination then the parties go through another series of conciliation meetings to try to find a cure and if a cure is found then it is put into writing and the conciliation agreement is signed between the parties. If a conciliation agreement cannot be found then the matter is referred back to the complainant and they then have the option to take the matter to a higher level of government.

Mrs. Mitchell asked if someone could sue her if she refuses to do business with them and CM Minner replied yes. CA Morrison stated this ordinance does not create a private cause of action so no one can sue under this ordinance.

Mrs. Mitchell asked if the city could pull her license or fine her and CM Minner replied no. CA Morrison stated Commissioner Bone made a suggestion that a reference be made to the general enforcement provision in the code that would impose a fine but that has not been voted on yet; it is not in the current draft.

Commissioner Christian asked if right now a business owner will get a letter from the city manager saying they are guilty.

CM Minner stated no; if the owner was found in violation of discrimination they would go through a series of meetings and another series to determine what would be the cure. If a cure was not found the owner does not get the letter, the letter would be written to the complainant saying the city manager did not find a cause for discrimination through the cure process and a conciliatory agreement was not reachable, you now can take this complaint to another forum. The defendant would not receive anything from the city unless the Commission adopts the amendment and then there would potentially be a fine.

Mrs. Mitchell stated she is happy the churches are protected but churches do not pay taxes. She is a tax payer and wants to know how this ordinance is going to affect her business if perhaps by mistake she discriminates against somebody.

Commissioner Bone stated this ordinance is on public accommodations which would be a restaurant, store, hotel, those type things and it would be unlawful to discriminate based on race, color, religion, national origin, marital status, age, gender, sexual orientation, gender identity, or handicap.

Mrs. Mitchell stated that is already a federal law, so she just wants to know how it is going to affect her as a business owner here in Leesburg.

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Commissioner Robuck stated for clarification for everyone that some of those are federally protected race, color, religion, national origin, age, sex, and handicap but the rest are not. Without this ordinance they are legal to discriminate against.

Chris Carlisle stated decisions about ordinances, laws, etc. are not always driven by how many calls received or how many articles appear in the newspaper. There is something to be said for doing the right thing. Regardless of why this is before you tonight, it is before you, and whether Mr. Robuck is right or wrong for bringing it up, here it is. The perceptions that will be created in this city as to whether or not it was necessary, whether or not the ramifications might have certain impacts are before you, what can you do with it? The story is not going to be well it was not necessary, it was not right, or well this might happen but it is going to be Leesburg either stands for this principle or it does not. He knows this proposed from a business perspective, but does Leesburg want to welcome businesses and young people who own businesses looking to hire people or does Leesburg want to be the community waiving the red flag saying it can refuse to pass an ordinance that might welcome people in to do business.

Truman Hurley respectfully asked the Commission to please vote no on this ordinance.

Rachel Foreman respectfully asked the Commission to not pass this ordinance.

Michael Bruce respectfully asked the Commissioners from Leesburg, Florida to not pass this ordinance.

Vernon Dixon respectfully asked the Commission to not pass this ordinance.

Joe Foreman respectfully asked the Commission to not pass this ordinance.

Joseph Miagramen respectfully asked the Commission not to pass this law; he personally thinks it is way off base. His sister, who is no longer with us, was gay and he personally has been spit upon, pushed around, knocked down, kicked while on the ground, stomped and punched in the face. This whole thing proposing things calling it discrimination, when it is really not discrimination; every instance told today is not discrimination it is mean spirited. If you say you cannot discriminate against this person and this person, someone is going to be left out. If you want to do something then just legislate against meaning mean spirited. He respectfully asked the Commission to say no.

Chris George stated he has lived in Leesburg since 2009 and he too is respectfully requesting the Commission vote no for this ordinance. He too has family members who are gay and have been in his family for quite a while; he does not deny or reject them. However, he does feel it is very difficult to legislate on how people think and feel. He knows this is a very difficult thing but would just rather see his Commissioners working on something that is a little bit more in their scope of operations than something this large because it is very difficult to legislate how a person feels in their heart.

Pernell Mitchell, business owner, stated no one in his business, himself, his wife, or his employees are going to discriminate against anyone; he will not tolerate discrimination. While he is not against this ordinance, his is not for this ordinance either. He is asking that the Commission does not pass any ordinance without having all the pieces in place

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first. A good question was asked, what would be the sanctions if at a business someone walks in and does not like what was said to them they go to the city to say they were discriminated against and you hold a series of conciliation conferences. What if the business owner says hey city manager I do not have time, I am not going to participate in these meetings, what would be the position of the city at that point. Mr. Mitchell asked the Commission to go back and do some homework on this ordinance to put it together and make it feasible. He understands Leesburg wants to be a leading city on this and that is fine, but it needs to lead the community in the right way. He does believe there is a need for an ordinance like this.

Linda Bedgood respectfully asked the Commission to not pass this ordinance.

Janet Carlisle respectfully asked the Commission to pass this ordinance. She stated it sounds like there are already sanctions in place based on Mr. Bone's recognition that the code does refer to another section which says if there is a violation of any ordinances it is a fine up to \$500. She thinks tonight is the right time to pass this ordinance because the sanctions are already in place.

Commissioner Hurley stated to reiterate his position the five sitting here look within ourselves at what we feel is best based on our life, experiences, knowledge, understandings, and beliefs and at the end of the day the five of us should be able to shake hands and move on to the next issue and just keep doing so until our term is up. The issue for him again is the different classes. Many good things were said tonight and taking the different statements, he thinks we have come to the point in society where you just have to agree with everything and like everybody for every reason. When he was a kid anybody who was not from the neighborhood got picked on and if you were a cowboy you picked on the city slicker, different cultures, back grounds but his point is there are people who says mean, nasty, hateful things and treats others poorly for a host of reasons every single day but you have to learn how to develop that and let that shape your character if you will and how you respond. Here tonight already in an hour or so he has been called ignorant and something else he cannot remember because he has expressed that he does not agree with the need of this ordinance. So while we are asking for everyone to be polite and respectful, by the same token we are being told that if you are not in favor this I am not going to like or respect you and that tears down the whole purpose in what we are trying to accomplish here and that is everybody getting along. As a business owner he sold suits and he had to literally force people out of his business because they did not like the way something was handled; it was not discrimination it was he thought they were a jerk and kicked them out. That is not discrimination that is the choice as a business owner. When you go in the 7-Eleven it says no shoes, no shirt no service, that is not discrimination but the rules they put in place. All he is saying is it is not him having an issue with anyone because he does not have a personal issue, he just does not want to create special classes. Commissioner Hurley thinks this needs to be pushed to let the courts settle it if there needs to be something done, then we take the bull by the horns and get something put together that has some meat and not just put down here is a letter and there is a possible dollar fine if someone honest to God said they are not going to sell you a hamburger today because you are black.

Commissioner Bone stated in his opinion is an ordinance that should have been and could have been done sixty seventy years ago but the fact that it should have been done a long

time ago for many reasons is not a reason to not do it now. This ordinance is not telling anybody who they have to like, change the way they feel about anyone it is just a statement that he thinks reflects who Leesburg is as a city. It gives the legal right to the full and equal enjoyment of goods, services, facilities, and privileges, advantages and accommodations of any place open to the public; that is all it does. This does not go into our homes, minds, hearts, churches, or non-profit groups it is solely to provide equal right and enjoyment to everyone in public facilities. It allows everyone their freedoms; both religious and personal. Everyone is not going to be happy because we are not all the same, we are different and this is just saying we know the story, if you want a cake you can go to any place that sells cakes in Leesburg and buy the cake.

Commissioner Christian commended the Commission on discussing this item with the public tonight. He has served on the Commission since 2004 and there have been many hot issues as Commissioner Hurley said that could divide the Commission and hopefully we will understand that we will not all agree. In this background some probably will not agree with his theological statements or his personal statements and he has been discriminated against, but it is what it is. We live in the south and we can paint a utopia that it is a perfect world but it is not; people are going to judge on the basis of your skin color or your sexual orientation. Tonight Commissioner Bone made the comment about these issues that were not on the class or in the city ordinance but it tends to come back to the sexual orientation; if talking about all people then it should be about all people. The 1964 civil rights act was passed but in 1985 the city of Leesburg had to be sued in order to get an African American to sit on the city council. In 1977 the city of Leesburg settled a law suit again because the African American community felt it was being discriminated against, so just because we pass a law does not mean people are going to do the right thing. With the Orlando ordinance look at what Orlando is doing to Paramour, so when it comes to budget time here we do the same thing when it comes to equality throughout our neighborhoods that have been neglected for many years. He stated he is listening and he hopes we can agree that if we are going to pass an ordinance talking about equality, that we do not do it just because it is good and political; do it as the right thing throughout our communities to provide equal housing, safe environments and let us make sure we look at our budget and put the money where our mouths are. So, he is listening tonight and it all sounds great but when the people are gone and the Commission sits here passing a budget, how do we rectify the Carver Heights crime problem and Canal Street does not stop at revitalization, it does also go the other way. As to the sanctions, he thinks we need to make sure we are clear and identify that we probably will not be able to collect and then give all this power to our city manager. He likes our city manager but does not know if he wants him on the other side of being a he said / she said discrimination; he likes the idea of a board that is going to be impartial and vet the issues. Commissioner Christian thinks there are a lot of steps that should have been put in place between the two meetings such as how much is this going to cost, our attorney says ordinance is on the books somewhere and we are going to vote tonight, then we talk about the city manager being the sole rectifier of these discriminatory complaints through conciliation meetings and then who is going to prosecute these fines that are imposed on the businesses. Commissioner Christian stated he is still voting nay. He loves the Commission and will talk to them tomorrow but it does not mean he supports discrimination by voting no. No one has to like him, he loves Jesus Christ, he loves his wife and kids, and those that are black, white, gay, or straight, but he is voting no; that is who he is.

Commissioner Robuck apologized to Commissioner Christian if he in any way insinuation he made his decision based on his position with the church, he was not trying to do that at all. He was just trying to bring up the idea that religion being a discriminatory class; it is a choice. He also apologized to Commissioner Hurley if he thought his comments were targeted at him. He stands by his comments to the media, but also thinks he went out of his way during the last roll call to say that while he disagrees with some of the Commissioners he does think everyone on this board is doing what they think is right for the city of Leesburg and not doing it because they are bad people. He has gotten into some conversations over this with people who absolutely disagree with him but he certainly has not lost any friends over it. We can all agree to disagree all day long he has no problem with that. In terms of where this ordinance came from, he was looking at the internal policy, reading it because it was on the agenda, and said these classes were not included and wondered if other cities include them. He did some Google research and the Orlando ordinance popped up so he thought it seemed like a great idea, so that is where this came from. He is not in the political games and now is going to be labeled as a pro-gay right republican and there is not a whole lot of political future there. He just thinks this is the right thing to do. He read two quotes: 1) "The prime cause, then, of slavery is sin, which brings man under the dominion of his fellow -- that which does not happen save by the judgment of God" -- St. Augustine, and 2) "The female is a female by virtue of a certain lack of qualities; we should regard the female nature as afflicted with a natural defectiveness" -- Aristotle. Commissioner Robuck thinks everyone in this room would agree these are two absurd quotes, completely inappropriate by two of the greatest thinkers of all times. Does this mean they were bad people he does not think so. He thinks this shows as a society, throughout the course of humanity, we have progressed towards quality and anytime there are large cultural shifts, which he thinks is where this country is headed with LGBT rights, it is tough because you have people that have deep felt beliefs and opposition and just because you do not agree with someone it does not mean you are a bad person. He believes they are doing what they think is right and thinks everyone on this Commission is doing what they think is right for Leesburg.

Commissioner Bone stated he found the code provisions.

CA Morrison stated for clarification on what Commissioner Bone found, it is Section 1-14 of the code which appears to be in tact since the 1953 version, which says "Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful ... where no specific penalty is provided the violation of any such provision of the Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00)." So that is in place and would apply and in terms of where you find yourselves you have an ordinance before you as to which Commissioner Bone has requested a number of amendments: 1) to add specific reference to that penalty, 2) to tighten up the provision regarding religion and add the reference or interpretation to the federal anti-discrimination statutes. CA Morrison stated he thinks both are good ideas and Commissioner Bone would need to make that amendment.

CM Minner asked if CA Morrison is saying because this ordinance does not have a specific penalty section it would therefore fall into the generic penalty section of the code. CA Morrison stated yes.

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CM Minner disagrees because this does have a penalty clause in it; it is not a financial fine but it is very clear there is a penalty section. There is a process and a procedure which is these conferences and determination and if there is found to be determination of discipline then the parties sit down and talk about it. Through that process if they can agree to a mutual settlement, that settlement is written up, and if there is not a mutual settlement then the complainant has to take this issue somewhere else. He thinks that is a specific response, a specific fine, it may not be punitive financially, but the ordinance lays out a process that has a penalty and the penalty is this mutual agreement.

CA Morrison stated during the process by the accused violator it is not mandatory which is where he disagrees with the city manager. A person can say they are not playing your game, have your mediation session but they will not be here. The finding is based on the one story heard, but at the end there is no penalty, which is what a lot of people were saying and the code does provide that penalty. This is why the ordinance came without the complicated administrative board procedure from Orlando and he wants to say this because if the Commission is changing the long standing philosophy he needs to know that for future ordinances. For many years it has been the Commission's philosophy, even the prior Commission, that the city did not create a plethora of administrative boards and adjudicatory commissions because it is duplicative and city managers prior to Mr. Minner thought it was unnecessary and unnecessarily expensive. If it is the will of this Commission to create a board to enforce this ordinance then he can certainly do that but he was doing it when he spoke with Commissioner Robuck ahead of time and Commissioner Robuck concurred that he was the proponent of the ordinance to use the solitary procedure.

Commissioner Bone stated his concern on the board is more directly related to what Commissioner Christian said particularly on a race issue. He thinks that is something that as a community would need to have some diversity to it. He did discuss with the city manager and as the ordinance is written he can designate someone or a committee as well to do the reviews.

CM Minner shared that conversation with the Commission because he does think passing this has some meaning behind it. He thinks this is a good thing and also thinks there is a certain amount of uncertainty if the ordinance is passed which is okay also. Being if this does pass and we go into uncertainty, before we start making additional rules to try to figure out what is wrong, he would suggest to trust that the manager to bring it back to the Commission. If he receives 80 complaints he will be coming here crying uncle and saying we need to figure out a new procedure and if nothing happens then there is no harm no foul. He would suggest doing this in incremental steps by voting on it as it is this evening and if it passes see how it works. He thinks as complaints would come in as your manager tonight he is telling the Commission he will deal with them on a case by case basis. If this turns out to be something of significance that needs a board he will do that or if it continues to be a process where we are inundated by these issues he will be back before the Commission. CM Minner stated he thinks incremental steps are the best thing and then thinks the city attorney has laid out a good example with the way this hitches into the fine issues and sets precedents in the future.

Mayor Dennison asked for any other discussion

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Commissioner Bone made motion to amend the ordinance to add that the city follow the spirit of the Federal Laws as indicated in the last sentence of the Orlando ordinance. He asked if there needs to be an amendment as to the religious exemption applying to the church schools and day cares.

CA Morrison stated he struggled somewhat with that actual religious exemption section and took it ultimately as written in the Orlando ordinance but had trouble figuring out what it meant himself. He did not know what the Commission would want to do but stated it could be tighten up if so desired.

Commissioner Bone also added in his amendment to add language that clarifies as to the religious exemption that it follows the Federal laws in place.

Commissioner Robuck seconded the motion.

The roll call vote on the Amendment was:

Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	No
Mayor Dennison	Yes

Four yeas, one nay, the Commission adopted the Amendment.

Commissioner Bone moved to amend the ordinance and Commissioner Robuck seconded the motion.

The roll call vote on the original ordinance with amendment was:

Commissioner Hurley	No
Commissioner Robuck	Yes
Commissioner Christian	No
Commissioner Bone	Yes
Mayor Dennison	Yes

Three yeas, two nays, the Commission adopted the ordinance.

Mayor Dennison thanked everyone for their input. She stated the Commission takes all this extremely serious which is why there has been so much discussion tonight.

ADOPTED ORDINANCE 15-21 AMENDING THE CITY OF LEESBURG FAIR HOUSING POLICY

City Clerk Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §§7-232, 7-233, AND 7-234 OF THE CODE OF ORDINANCES, PERTAINING TO FAIR HOUSING, TO ADD SEXUAL ORIENTATION AND GENDER IDENTITY TO THE CATEGORIES PROTECTED FROM DISCRIMINATION; ADDING

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DEFINITIONS OF THOSE TERMS TO THE ORDINANCE;
REPEALING CONFLICTING ORDINANCES; PROVIDING A
SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Robuck moved to adopt the ordinance and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and audience. There were none.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Christian	No
Commissioner Bone	Yes
Commissioner Hurley	No
Mayor Dennison	Yes

Three yeas, two nays, the Commission adopted the ordinance.

ADOPTED RESOLUTION 9607 AMENDING THE PUD (PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 75 ACRES ON CR 470 (CORESLAB)

Commissioner Hurley introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AMENDING THE EXISTING PUD
(PLANNED UNIT DEVELOPMENT) ZONING AND
DEVELOPMENT PLAN ON APPROXIMATELY 75 ACRES OF
LAND CURRENTLY OWNED BY THE CITY OF LEESBURG,
AND GENERALLY LOCATED ON THE SOUTH SIDE OF CR 470
AND WEST OF THE INTERSECTION OF CR 33 AND CR 48;
AND PROVIDING AN EFFECTIVE DATE. (CORESLAB)

Commissioner Christian moved to adopt the resolution and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Deputy City Manager (DCM) Mike Rankin stated the 40 pages provided reflect some two months of continued work between CoreSlab and city staff in moving forward. The city is very excited about this project, the end is near and ground breaking will be soon with others to follow. He stated PZ Manager Dan Miller has a brief presentation if so needed.

Commissioner Christian asked for a brief explanation on the layout of the retention pond. Planning and Zoning Manager (PZM) Dan Miller stated the property on the north east corner; the triangle section is the retention area. This area is not being purchased by CoreSlab. The remaining 75 acres down below that triangle is what is actually under

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contract and closing is set for very shortly. The CoreSlab company makes hollow slab concrete products used in stadiums, parking garages, and church construction, etc. Their current facility in Orlando is land locked; they have no room to grow or expand. In Orlando all work is done completely outdoors and they lose about 30 days a year to weather; however, in Leesburg they will not lose any days as all work will be taking place indoors. There will be an outside storage area. The PUD requires a 150 foot landscape buffer, a 25 foot buffer along CR 470 for landscaping and 5 feet around the building and landscaping at the end of each parking isle. Under the development phase the implementation is to begin within 36 months and they will probably be up and running a second shift with 36 months if not more; CoreSlab is very excited to get to Leesburg.

Commissioner Christian asked if closing is still set for the first of June.

CM Minner stated a 30 day extension was approved about a month ago so the date has changed to July 1.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 9608 ADDITIONAL CUSTOMER SERVICE DEPARTMENT PERSONNEL

CM Minner stated staff has a presentation prepared, but essentially this request is to add two new Customer Services Representative agents to the Customer Services staff. The money is available this fiscal year from savings from the PIO position and then going through a process next fiscal year to be able to include this in the budget and keep it revenue neutral. Long story short the city continues to struggle in the Customer Service division and he believes staffing is a big issue.

Commissioner Christian asked if these two will answer the phones and CM Minner replied yes, that is the plan.

CM Minner introduced Paul Austin the city's new Customer Service Manager and we are real happy to have Paul on board. Paul has run customer service center from a financial trade position and the city manager thinks Paul comes with a bit of a business mind and a customer service mind which is what got him hired.

Commissioner Christian moved to approve the two additional positions and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

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Mayor Dennison stated she thinks the public should be very happy with this because we have been receiving so many complaints.

CM Minner stated hopefully this will help.

The roll call vote was:

Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the request.

ADOPTED RESOLUTION 9609 FOR A CONSULTING AGREEMENT WITH MARBUT CONSULTING FOR A HOMELESS SURVEY

Commissioner Robuck introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE A CONSULTING AGREEMENT WITH
MARBUT CONSULTING TO CONDUCT A LEESBURG AREA
HOMELESS STUDY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Commissioner Bone stated he thinks there was an incident that happened just a couple days ago involving a couple of homeless people. He thinks this will be helpful.

Mayor Dennison stated the city has started to address the homeless issue by having meetings with, not only County, but also other city leaders on what can be done legally to improve this situation. She stated Mr. Marbut is an expert in the country on homeless and this is the first step of being able to calculate the numbers, to see how long they have been homeless, and where they are to start addressing a solution to correct this situation.

The roll call vote was:

Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Bone	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the resolution.

INFORMATIONAL REPORTS: None

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

CM Minner stated unfortunately the Venetian Gardens pool is having some issues with leaks. Staff did open it on time and while school is not out the city only has it open on weekends. We hope to be able to get the leaks and everything fixed by the time school is out. Essentially we are dealing with a lot of old pipes that are leaking and staff is doing their best to get everything fixed. There is no price tag yet on the fix and he is thinking if going to rough house a number, it is probably in the neighborhood of \$50,000.

PUBLIC COMMENTS: None

ROLL CALL:

Commissioner Bone had nothing.

Commissioner Hurley asked for an update on Kiwanis and Susan Street. **CM Minner** stated staff has talked with Kiwanis in reference to the concession stand at Susan Street now going on a couple months. About a month the Kiwanis sent a proposal which CM Minner stated he returned with a city counter proposal for Kiwanis to provide a contribution to the city or directly to Pop Warner and the Baseball team in the amount of \$2,700; \$2,200 for Pop Warner and \$500 for baseball. The city offered to reduce the rent Kiwanis pays for the facility, which is \$1,200 and that would be shifted directly to Pop Warner, so Pop Warner would be up \$1,200 plus with is the \$2,200 amount and baseball stays at \$500, plus they get their exclusive right to continue to provide concessions. Kiwanis then countered to the city that the \$2,700 be paid in quarterly increments, which he approved, reminding everyone all approvals have to come before the Commission, but he rejected their offer of a sliding scale. Kiwanis wanted a sliding scale so that if they did not have proper amount of football games, if the schedule called for less home games, or if they did not meet sale quotas and could not make the payment then a ratio be provided. Essentially it is a sliding scale that if they do not have baseball games or cannot meet sales then Kiwanis would not have to pay the money and that was rejected. CM Minner told Kiwanis they are getting an exclusive agreement and the sliding scale could go both ways; they could sell more or different products or bring more people out to serve longer and make more than the \$2,700 which they would get to keep. It is a bit of a risk reward that Kiwanis does not seem to want to accept and the ball is now in their court. He stated he spoke with a Kiwanis representative last Thursday or Friday and will give them a few more weeks. Should they counter another proposal or not accept the city's, he said he will bring this to the Commission recommending the city needs to take this over and move ahead to give recreation staff enough time to set up and be ready when the new season starts. CM Minner stated in his opinion he thinks Kiwanis has been offered a very fair agreement and increases the monies for Pop Warner which was the catalyst of the discussions. **Commissioner Hurley** stated if they do not like that deal they do not need it. **Commissioner Christian** asked if the bathrooms will be done this year also. **CM Minner** stated the bathrooms are a consideration in the CIP that could go over by the baseball field area with potentially an additional concession stand. He stated

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there is approximately two million dollars of capital items in the proposed budget provided by all the Department heads in the general fund and he will be cutting some of those before it comes to the Commission. Any item cut, and the concession stand might be one we look at trimming, but those items will also be brought to the Commission for consideration.

Commissioner Robuck congratulated electric director Patrick Foster as being accepted to the FMPA's board of nominating committees. The FMPA is very important to our electric utility; they are dealing with results of the audit, it was not so great, so the next slate of officers would be very important and it is great that they think highly on Patrick giving Leesburg a voice on that decision. He also commended Finance Director Bill Spinelli on reducing the 401 fees which was on the consent agenda; it is a big deal for employees cutting the fees charged. On Monday, Memorial Day, he and his wife had lunch at SIP on Main Street and he just wanted to comment on how great the flags looked. He thought it was a really nice touch. He thinks many times people forget Memorial Day is not about celebrating America or Veterans, it is about paying tribute to those who paid the ultimate sacrifice. Then to address something Commissioner Hurley said at the last meeting, "Dan, I am the opposite of you; I am a conservative", Commissioner Robuck stated that is first time in his life he has been called liberal. So he just wanted to say that during budget time when Commissioner Hurley wants to spend money, he is going to remind him over and over again who the conservative is. **Commissioner Hurley** responded fair enough.

Commissioner Christian stated talking about the pool, the Dabney pool has no parking area; a city facility without adequate parking spaces causes a problem for him. He thinks all facilities with a city of Leesburg logo should be Class "A" facilities, so hopefully during the next budget cycle staff can look at maybe putting ten parking spaces out there to make it look presentable. The city accepted property coming down Harlem, he does not know how far back it goes beside the NAACP building and the city pool, but would like to see some kind of landscape or some trees to make our facility look Class "A" when riding down Beecher Street. On the Susan Street concession stand, he said it may be in the CIP, but if staff decides not to renovate the whole building, maybe we could paint the doors or add some new bathroom fixtures, does not have to be in the thirty to forty thousand dollar range, but enough to make it look presentable so when someone from another city comes to our facility they do not look at the bathroom and hold their noses walking in. **Commissioner Christian** stated Sunday the Community Development Corporation will be putting on an event called Soulful Sunday. It is going to be on Pine Street in the big lot and just a day where the community and city can come together for music, vendors, dancing, and celebrate together. He is inviting all to come down after leaving church on the first Sunday of the month and just hang out with the Community Development Corporation as they attempt to bring our community and our city closer together. He stated we had a heated discussion tonight and he prayerfully hopes everyone can walk out of here realizing that our city has more business to take care of and move forward with our city as a whole.

Mayor Dennison stated this was not a contentious meeting, you just wait, and things are changing. She stated on Memorial Day, not sure how many watched LakeFront TV, but she stated they did a phenomenal job with Veterans shows and it just showed her how LakeFront TV is moving up to another class of quality. She stated with the Honor Flight

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you could actually feel the excitement of the 80 and 90 year old Veterans who were taken up in the Stearman by-planes. She stated this week is the Leesburg High School Graduation where approximately 350 students are graduating and she wants to congratulate them and their teachers. Unfortunately, we are losing the principal but it is quite a school and if you have not been there go visit and see what is going. **Mayor Dennison** stated on Veterans Day she would like to see the city take that day to rededicate Veterans Memorial Park, make it official and have a Veterans ceremony in the park. This is a request from several people in our Veterans groups and she would like to see that and the city support this in November.

ADJOURN:

Commissioner Christian moved to adjourn the meeting. The meeting adjourned at 7:42 p.m.

Mayor

ATTEST:

J. Andi Purvis
City Clerk & Recorder



AGENDA MEMORANDUM

Item No: 4.C.1.
Meeting Date: June 22, 2015
From: William Spinelli, CPA, Finance Director
Subject: Resolution Authorizing Signatories on all Bank Accounts at TD Bank, N.A.

Staff Recommendation:

Staff recommends approval of the resolution authorizing signatories on all bank accounts at TD Bank, N.A.

Analysis:

The requested action is necessary to designate signatories on all bank accounts at TD Bank, N.A. The City is primarily using the TD bank accounts for their Certificate of Deposit investments.

Options:

1. Approval of the attached resolution authorizing signatories on the accounts at TD Bank, N.A.
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

None

Submission Date and Time: 6/19/2015 3:47 PM

Department: _____ Prepared by: _____ Attachments: Yes____ No ____ Advertised: _____Not Required ____ Dates: _____ Attorney Review : Yes____ No ____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF CITY OF
LEESBURG, FLORIDA, AUTHORIZING SIGNATORIES AS
REQUIRED BY TD BANK TO HONOR ALL CHECKS, DRAFTS,
OR OTHER ORDERS FOR PAYMENT OF MONEY DRAWN IN
THE NAME OF THE CITY OF LEESBURG; AND PROVIDING A
SAMPLE OF SAID INDIVIDUALS SIGNATURE; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:

WHEREAS, TD Bank, N.A., whose address is TD Bank, N.A., 11000 Atrium Way,
Mt. Laurel, NJ 08054 has qualified as a City depository pursuant to the provisions of
Chapter 280, Florida Statutes; and,

WHEREAS, the Commission, in and for the City of Leesburg, desires to authorize
signatories required by TD Bank to honor all checks, drafts and other orders for payment of
money drawn in the name of the City of Leesburg on its demand deposits, time deposits and
savings accounts at TD Bank, N.A.

WHEREAS, TD Bank, N.A. has requested that the Commission provide a sample
of the signatories of Mayor, City Manager, and Finance Director of the City of Leesburg,
Florida to facilitate the above referenced transactions.

NOW THEREFORE, BE IT RESOLVED by the Commission, in and for the
City of Leesburg, Florida as follows:

1. That, the City of Leesburg hereby authorizes signatories to honor all checks, drafts,
and other orders for payment of money drawn in the name of the City of Leesburg,
effective June 22, 2015, as follows:

Alfred Minner, City Manager
City of Leesburg, Florida

William Spinelli, Finance Director
City of Leesburg, Florida

James Williams, Deputy Finance Director
City of Leesburg, Florida

2. That, TD Bank, N.A. is being provided a sample of the signatories of the
aforementioned authorized persons.

3. That, upon adoption by the Commission in open session this resolution shall be made a part of the Public Records of the City of Leesburg, Florida, and a copy hereof shall be furnished to TD Bank, N.A.
4. This Resolution shall take effect immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 22nd day of June 2015.

Mayor

ATTEST:

City Clerk

JUMBO DEPOSIT CERTIFICATE

(For Business Customers Only)

Account No.: 4738640881 Region: Florida
Store: Eustis Store #: 170

The depositor(s) named below has/have on account with TD Bank, N.A. (the "Bank")
the sum of:

Amount: 2,000,000.00
(\$50,000 Minimum)

Two Million Dollars and zero cents

(in words)

Customer Name and Address:

City of Leesburg
501 W Meadow St
Leesburg, FL 34748

Issue Date: 4/29/15
Maturity Date: 5/01/17
Interest Rate: 0.74%
Term: 24 months
Tax I.D. #: 59-6000362

1. The Bank hereby acknowledges your deposit in the above amount, payable on the maturity date specified above, with interest at the rate as agreed between you and the Bank.
2. This Certificate is subject to the terms and conditions of the Business Deposit Account Agreement (the "Agreement") and the Bylaws of the Bank, as either may be amended from time to time. The terms and conditions of the Agreement are hereby incorporated by reference and made a part of this Certificate.
4. Interest is accrued using the simple interest method and does not compound. Depending on the term, interest is either paid at maturity or monthly to a TD Bank account with the same legal title.
5. This Certificate will not automatically renew at maturity, and no interest will be paid after the maturity date shown above. Funds that are withdrawn prior to maturity, if allowed, will be subject to an early withdrawal penalty in accordance with the terms of the Agreement provided herewith.
6. Payment to the above-named depositor(s) will be made upon return of this Certificate, properly endorsed to the Bank.
7. This Certificate is non-negotiable, is not transferable and is assignable only to the Bank.

Authorized Bank Signature

REDEMPTION INFORMATION

Endorsement of Customer

Date

(This Section For Bank Use Only)

Principal: _____	Disbursed by (check one): <input type="checkbox"/> Check # _____
Interest: _____	<input type="checkbox"/> Credit Account # _____
Penalty: _____	Redeemed by: _____
Total Proceeds: _____	Store: _____
	Date Redeemed: _____



America's Most Convenient Bank®

GOVERNMENTAL ENTITY CERTIFICATE OF RESOLUTION

(For Deposit Accounts)

Depositor (Name of Governmental Entity): City of Leesburg

Financial Institution: TD Bank, N.A.
11000 Atrium Way
Mt. Laurel, NJ 08054

Address: 501 W Meadow St Leesburg, FL 34748 TIN: 59-6000362

I HEREBY CERTIFY that I am the duly elected and qualified Authorized Governmental Agent and keeper of records for the Depositor (also referred to as "Governmental Entity") named above, that the following is a true and complete copy of a Resolution duly adopted at a meeting of the Governing Body of said Governmental Entity held on, or dated on 2015 in accordance with the law and the by-laws of, or consent of, said Governmental Entity, and that my delivery of this Certificate of Resolution to Financial Institution certifies to Financial Institution that such Resolution is still in full force and effect.

I FURTHER CERTIFY that the name of the Depositor set forth above is the complete and correct name of the Governmental Entity and that the Governmental Entity is organized and existing under and by virtue of the laws of the State/Commonwealth/District of Florida a Governmental Entity.

RESOLVED, that the Financial Institution named above, at any one or more of its offices or branches, be and it hereby is designated as a Financial Institution of and depository for the funds of this Governmental Entity, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies (including electronic orders) bearing the signature of, or as otherwise authorized by, any one (1) of the following officers, employees or agents of this Governmental Entity ("Agents"), whose actual signatures are shown below:

Title	Name	Signature
City Manager	Alfred Minner	
Finance Director	William Spinelli	
Deputy Finance Director	James Williams	

FURTHER RESOLVED, the Agents, whose names and signatures appear above, are hereby authorized to open and maintain a deposit account or accounts of the Governmental Entity with the Financial Institution, subject to the terms and conditions of the Business Deposit Account Agreement, as it may be amended from time to time (the "Account Agreement").

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item or payment order drawn against any of the Governmental Entity's accounts with the Financial Institution bearing the signature of or as otherwise authorized by any such Agents even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed, or payment order authorized, in accordance with the resolutions contained herein, or the application or disposition of such item or payment order or the proceeds of the item or payment order.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Governmental Entity for deposit with the Financial Institution, or for collection or discount by the Financial Institution, and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions or purposes for which funds, checks or items of the Governmental Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remains in full force and effect until written notice of the revocation thereof shall have been delivered to and received by the Financial Institution at the location where an account of the Governmental Entity is maintained and Financial Institution has had a reasonable period of time to act upon such notice.

I FURTHER CERTIFY that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing resolutions now stand of record on the books of the Governmental Entity; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on _____ and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

X

Authorized Governmental Agent or Assistant Authorized Governmental Agent

(Title)

Note: In case the Authorized Governmental Agent or other certifying officer is designated by the foregoing resolutions as one of the signing officers, this certificate should also be signed by a second Officer or Director of the Governmental Entity and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.



DEPARTMENT OF FINANCIAL SERVICES
Division of Treasury – Bureau of Collateral Management

PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM

Public Depositor Account Information

Account Number: 4733172053 Type of Account (CD/other): Public Funds

Account Name: City of Leesburg
Full Name as it Appears on the Records of the Qualified Public Depository

Accountholder's Federal Employer Identification Number (FEIN): 59-6000362

Qualified Public Depository (QPD) Information

QPD's Full Legal Name: TD Bank National Association
For Protection Under Chapter 280, Florida Statutes, Depository MUST be a QPD

QPD's Address: 2035 Limestone Drive
Wilmington, DE 19808

QPD's FEIN: 01-0137770

Public Deposit Identification

I **DECLARE** that the above referenced account meets the definition of a public deposit pursuant to Section 280.02, Florida Statutes (F.S.), and is not exempt under the laws of Florida. A current Public Deposit Identification and Acknowledgment Form will be maintained as a valuable record of the public depositor. The current Public Deposit Identification and Acknowledgment Form with original signatures will need to be submitted in the event the above named QPD becomes insolvent or in default and a claim is filed with the Chief Financial Officer, State of Florida's office.

Signature for Public Depositor: _____ Date: _____

Printed Name & Title: William Spinelli, Finance Director

Qualified Public Depository Acknowledgment

I **ACKNOWLEDGE** that the above referenced account has been identified to this QPD as a public deposit. Pursuant to Chapter 280, F.S., this account will be classified on the records of this QPD as a public deposit, collateralized as such, and reported as such on the Public Depository Monthly Report J1-1003, Public Depository Annual report J14-1004, and any other report of public deposits requested by the Chief Financial Officer, State of Florida.

Signature for Qualified Public Depository: Pamela Ramkalawan Date: 5/6/15

Printed Name & Title: Pamela Ramkalawan/Vice President



DEPARTMENT OF FINANCIAL SERVICES
Division of Treasury – Bureau of Collateral Management

PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM

Public Depositor Account Information

Account Number: 4733172061 Type of Account (CD/other): Public Funds

Account Name: City of Leesburg
Full Name as it Appears on the Records of the Qualified Public Depository

Accountholder's Federal Employer Identification Number (FEIN): 59-6000362

Qualified Public Depository (QPD) Information

QPD's Full Legal Name: TD Bank National Association
For Protection Under Chapter 280, Florida Statutes, Depository MUST be a QPD

QPD's Address: 2035 Limestone Drive
Wilmington, DE 19808

QPD's FEIN: 01-0137770

Public Deposit Identification

I **DECLARE** that the above referenced account meets the definition of a public deposit pursuant to Section 280.02, Florida Statutes (F.S.), and is not exempt under the laws of Florida. A current Public Deposit Identification and Acknowledgment Form will be maintained as a valuable record of the public depositor. The current Public Deposit Identification and Acknowledgment Form with original signatures will need to be submitted in the event the above named QPD becomes insolvent or in default and a claim is filed with the Chief Financial Officer, State of Florida's office.

Signature for Public Depositor: _____ Date: _____

Printed Name & Title: William Spinelli, Finance Director

Qualified Public Depository Acknowledgment

I **ACKNOWLEDGE** that the above referenced account has been identified to this QPD as a public deposit. Pursuant to Chapter 280, F.S., this account will be classified on the records of this QPD as a public deposit, collateralized as such, and reported as such on the Public Depository Monthly Report J1-1003, Public Depository Annual report J14-1004, and any other report of public deposits requested by the Chief Financial Officer, State of Florida.

Signature for Qualified Public Depository: Pamela Ramkalawan Date: 5/6/15

Printed Name & Title: Pamela Ramkalawan/Vice President



DEPARTMENT OF FINANCIAL SERVICES
Division of Treasury – Bureau of Collateral Management

PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM

Public Depositor Account Information

Account Number: 4738640881 Type of Account (CD/other): Public Funds

Account Name: City of Leesburg
Full Name as it Appears on the Records of the Qualified Public Depository

Accountholder's Federal Employer Identification Number (FEIN): 59-6000362

Qualified Public Depository (QPD) Information

QPD's Full Legal Name: TD Bank National Association
For Protection Under Chapter 280, Florida Statutes, Depository MUST be a QPD

QPD's Address: 2035 Limestone Drive
Wilmington, DE 19808

QPD's FEIN: 01-0137770

Public Deposit Identification

I **DECLARE** that the above referenced account meets the definition of a public deposit pursuant to Section 280.02, Florida Statutes (F.S.), and is not exempt under the laws of Florida. A current Public Deposit Identification and Acknowledgment Form will be maintained as a valuable record of the public depositor. The current Public Deposit Identification and Acknowledgment Form with original signatures will need to be submitted in the event the above named QPD becomes insolvent or in default and a claim is filed with the Chief Financial Officer, State of Florida's office.

Signature for Public Depositor: _____ Date: _____

Printed Name & Title: William Spinelli, Finance Director

Qualified Public Depository Acknowledgment

I **ACKNOWLEDGE** that the above referenced account has been identified to this QPD as a public deposit. Pursuant to Chapter 280, F.S., this account will be classified on the records of this QPD as a public deposit, collateralized as such, and reported as such on the Public Depository Monthly Report J1-1003, Public Depository Annual report J14-1004, and any other report of public deposits requested by the Chief Financial Officer, State of Florida.

Signature for Qualified Public Depository: Pamela Ramkalawan Date: 5/6/15

Printed Name & Title: Pamela Ramkalawan/Vice President

BUSINESS SIGNATURE CARD
TD BANK, N.A. ("Bank")

Account Holder Name:
City of Leesburg

Address:
501 W Meadow St
Leesburg, FL 34748

Phone:

Account: 4733172053

Account Type: Municipal

ACCOUNT PURPOSE:

ACCOUNT TYPE: Municipal

DATE OPENED: 01/25/12

SPECIAL INSTRUCTIONS:

Number of Signatures Required:

Each of the authorized individual(s) certify that they have all required authority to act with respect to this account(s) and, jointly and severally, agree to indemnify and hold "Bank" harmless from and against any loss or damage arising from such authority or lack thereof. "Bank" has no responsibility or duty to assure or verify that Authorized individual(s) have or are acting within the authority given them by the authorizing document or that such authorizing document is genuine or valid, even if "Bank" has seen or retained a copy of such document.

The Authorized individual(s) signing agree(s), jointly and severally if multiple signers, to the terms set forth in the Deposit Account Rules as amended by the "Bank" from time to time. Each of the Authorized Individual(s) signing also acknowledge that "Bank" provided at least one copy of these deposit account documents.

Important: Under penalties of perjury, I certify that the number shown above is my correct taxpayer identification number, I am a U.S. person (including a U.S. resident alien), and that (check appropriate box):

TIN/BACKUP WITHHOLDING

Reporting
SSN/TIN: 59-6000362

☒ I am not subject to backup withholding, because I am exempt from backup withholding, or because I have not been notified by the IRS that I am subject to backup withholding as a result of failure to report all interest or dividends, or because the IRS has notified me that I am no longer subject to backup withholding.

I am subject to backup withholding.

Signature of Authorized Individual X _____ Date: _____

For instructions, see Internal Revenue Service Form W-9 that is available at the financial institution.

Signature

Alfred Minner

Name

City Manager

Title

Signature

William Spinelli

Name

Finance Director

Title

Signature

James Williams

Name

Deputy Finance Director

Title

Signature

John Van Horn

Name

Financial Reporting Manager

Title

Signature

Name

Title

Signature

Name

Title

Signature

Name

Title

Signature

Name

Title

BUSINESS SIGNATURE CARD
TD BANK, N.A. ("Bank")

Account Holder Name:
City of Leesburg

Address:
501 W Meadow St
Leesburg, FL 34748

Phone:

Each of the authorized individual(s) certify that they have all required authority to act with respect to this account(s) and, jointly and severally, agree to indemnify and hold "Bank" harmless from and against any loss or damage arising from such authority or lack thereof. "Bank" has no responsibility or duty to assure or verify that Authorized individual(s) have or are acting within the authority given them by the authorizing document or that such authorizing document is genuine or valid, even if "Bank" has seen or retained a copy of such document.

The Authorized individual(s) signing agree(s), jointly and severally if multiple signers, to the terms set forth in the Deposit Account Rules as amended by the "Bank" from time to time. Each of the Authorized Individual(s) signing also acknowledge that "Bank" provided at least one copy of these deposit account documents.

Important: Under penalties of perjury, I certify that the number shown above is my correct taxpayer identification number, I am a U.S. person (including a U.S. resident alien), and that (check appropriate box):

TIN/BACKUP WITHHOLDING

Account: 4733172061

Account Type: Municipal

ACCOUNT PURPOSE:

ACCOUNT TYPE: Municipal

DATE OPENED: 01/25/12

SPECIAL INSTRUCTIONS:

Number of Signatures Required:

Reporting
SSN/TIN: 59-6000362

☒ I am not subject to backup withholding, because I am exempt from backup withholding, or because I have not been notified by the IRS that I am subject to backup withholding as a result of failure to report all interest or dividends, or because the IRS has notified me that I am no longer subject to backup withholding.

I am subject to backup withholding.

Signature of Authorized Individual X _____ Date: _____

For instructions, see Internal Revenue Service Form W-9 that is available at the financial institution.

Signature

Alfred Minner

Name

City Manager

Title

Signature

William Spinelli

Name

Finance Director

Title

Signature

James Williams

Name

Deputy Finance Director

Title

Signature

John Van Horn

Name

Financial Reporting Manager

Title

Signature

Name

Title

Signature

Name

Title

Signature

Name

Title

Signature

Name

Title

BUSINESS SIGNATURE CARD
TD BANK, N.A. ("Bank")

Account Holder Name:
City of Leesburg

Address:
501 W Meadow St
Leesburg, FL 34748

Phone:

Each of the authorized individual(s) certify that they have all required authority to act with respect to this account(s) and, jointly and severally, agree to indemnify and hold "Bank" harmless from and against any loss or damage arising from such authority or lack thereof. "Bank" has no responsibility or duty to assure or verify that Authorized individual(s) have or are acting within the authority given them by the authorizing document or that such authorizing document is genuine or valid, even if "Bank" has seen or retained a copy of such document..

The Authorized individual(s) signing agree(s), jointly and severally if multiple signers, to the terms set forth in the Deposit Account Rules as amended by the "Bank" from time to time. Each of the Authorized Individual(s) signing also acknowledge that "Bank" provided at least one copy of these deposit account documents.

Important: Under penalties of perjury, I certify that the number shown above is my correct taxpayer identification number, I am a U.S. person (including a U.S. resident alien), and that (check appropriate box):

TIN/BACKUP WITHHOLDING

Account: 4738640881

Account Type: Municipal

ACCOUNT PURPOSE:

ACCOUNT TYPE: Municipal

DATE OPENED: 04/29/15

SPECIAL INSTRUCTIONS:

Number of Signatures Required:

Reporting
SSN/TIN: 59-6000362

X I am not subject to backup withholding, because I am exempt from backup withholding, or because I have not been notified by the IRS that I am subject to backup withholding as a result of failure to report all interest or dividends, or because the IRS has notified me that I am no longer subject to backup withholding.

I am subject to backup withholding.

Signature of Authorized Individual X _____ Date: _____

For instructions, see Internal Revenue Service Form W-9 that is available at the financial institution.

Signature

Alfred Minner

Name

City Manager

Title

Signature

William Spinelli

Name

Finance Director

Title

Signature

James Williams

Name

Deputy Finance Director

Title

Signature

John Van Horn

Name

Financial Reporting Manager

Title

Signature

Name

Title

Signature

Name

Title

Signature

Name

Title

Signature

Name

Title

John Van Horn

From: Ramkalawan, Pamela <Pamela.Ramkalawan@td.com>
Sent: Thursday, May 14, 2015 3:07 PM
To: John Van Horn
Subject: RE: CD documents

Hi John,
Hope all is well!

Thank you for following up and your summary below is accurate.

Please let me know if you have any additional questions.

Regards,
Pamela

Pamela Ramkalawan | Vice President | Government Banking
TD Bank, America's Most Convenient Bank
Mailstop FL7-008-202 | 5900 N. Andrews Ave. 2nd Floor, Ft. Lauderdale, FL 33309
T: 954 233 2064 | M: 561 866 8368 | F: 954 233 2037 | TF: 800 510 2265

Tonya England | Sales and Service Specialist | Government Banking
T: 954 233 2054 | F: 954 233 2037 Specialist | Tonya.England@td.com

From: John Van Horn [<mailto:John.VanHorn@leesburgflorida.gov>]
Sent: Thursday, May 14, 2015 11:08 AM
To: Ramkalawan, Pamela
Subject: CD documents

Hi Pamela,

A quick question - you provide a Jumbo Deposit Certificate for the new CD we just acquired for \$2 million. I couldn't find any place for a City employee to sign, so I believe the certificate is for our record only. Please confirm or correct my understanding.

The remaining documents you provided, a Governmental Entity Certificate of Resolution, a Public Deposit Identification and Acknowledgement Form for each of the three CDs the City of Leesburg has with TD Bank, and a Business Signature Card for each of the three CDs, will be signed by the appropriate employees and submitted for approval by our City Commission. Is there anything else that should be signed and submitted to our Commission for approval? Once the approval(s) has been obtained, we will forward all documents and copy(s) of Commission action(s) to you.

Once again, thanks for your assistance in getting the proper documentation completed. John

Please Note: Florida has a very broad public records law. Most written communications to or from government officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure

Think before you print.



AGENDA MEMORANDUM

Item No: 4.C.2.

Meeting Date: June 22, 2015

From: Robert W. Hicks, Chief of Police

Subject: Resolution authorizing the Police Department to apply for and, if awarded, accept an Edward Byrne Memorial Justice Assistance Grant to defray the purchase cost of four new in-car video recording systems.

Staff Recommendation:

Staff recommends approval of the resolution authorizing the Police Department to apply for and, if awarded, accept an Edward Byrne Memorial Justice Assistance Grant in the amount of \$11,696 to defray the purchase cost of four new in-car video recording systems.

Description	Unit Cost	Quantity	Price
DVM 800 Camera Kit	\$3,995.00	4	\$15,980.00
Microphone Holster	\$35.00	4	\$140.00
Trade-in Credit	(\$500.00)	4	(\$2,000.00)
Total			\$14,120.00
Grant			(\$11,696.00)
City Appropriation			\$2,424.00

Analysis:

The ability to capture and review audio/video information has become an integral part of modern policing. The video produced has several practical applications. Some of the uses may include preserving evidence for court, training officer, scrutinizing police actions, and evaluating policies. Increasingly, these recordings have been relied upon to be an objective witness when police actions are questioned. The problem is some of the patrol cars are not equipped with a system. Others have systems that are not fully operable such as an audio record function does not work. The grant will enable the department to continue the process of incrementally replacing older systems that are not fully functional.

Options:

1. Accept the grant to reduce the city's out of pocket expense to replace the units.
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The grant and equipment trade-in credit will fund approximately 85% (\$13,696.00) of the cost. There is no matching fund requirement to receive this grant. However, the city would be expected

to fund the balance of \$2,424.00 from the current Police operating budget. This would be the city's total appropriation for replacing the four units.

Submission Date and Time: 6/19/2015 3:47 PM

Department: <u>Police</u> Prepared by: <u>Earl Bean/Lisa Carter</u> Attachments: Yes <u>x</u> No <u> </u> Advertised: <u> </u> Not Required <u> </u> Dates: <u> </u> Attorney Review : Yes <u> </u> No <u> </u> <u> </u> Revised 6/10/04	Reviewed by: Dept. Head <u> </u> Finance Dept. <u> </u> Deputy C.M. <u> </u> Submitted by: City Manager <u> </u>	Account No. <u>001-0000-331-2100</u> Project No. <u> </u> WF No. <u> </u> Budget <u> </u> Available <u> </u>
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RESOLUTION _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR, AND, IF AWARDED ACCEPT THE EDWARD BYRNE GRANT FROM THE US DEPARTMENT OF JUSTICE FOR \$11,696.00 TO SUPPLEMENT COSTS ASSOCIATED WITH THE PURCHASE OF DEPARTMENT EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Leesburg Police Department is hereby authorized to apply for, and if awarded, accept an Edward Byrne Grant from the U.S. Department of Justice in the amount of \$11,696.00 to supplement costs associated with the purchase of certain department equipment.

THAT this resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 22nd day of June 2015.

Mayor

ATTEST:

City Clerk



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9705 Loiret Blvd.
Lenexa, KS 66219
1-800-440-4947 www.digitalallyinc.com

Customer:

Leesburg Police Department
Chris Parsons
115 E Magnolia St
Leesburg, FL 34748

Customer ID	Salesperson	Shipping Method	Payment Terms	Created By	Quote Valid
LEEFLO	TM			Troy McCoy	90 Days

Ordered	Item Number	Description	Retail Price	Item Discount	Discount	Ext. Price
3	001-00038-10	DVM-800 Complete Kit	\$3995.00	\$0.00	\$0.00	\$11,985.00
3	004-09056-00	Holster, Black with belt clip for RMT800	\$35.00	\$0.00	\$0.00	\$105.00
1		DVM-500 Trade In	\$0.00	\$500.00	\$500.00	(\$500.00)
1		DVM-500 Trade In	\$0.00	\$500.00	\$500.00	(\$500.00)

Notes:

Total Discount	\$1,000.00
Subtotal	\$11,090.00
Misc	
Tax	\$0.00
Freight	\$90.00
Total	\$11,180.00

Thank you for your interest in Digital Ally products. If you would like to place an order, please contact the Digital Ally Sales Team at 1-800-440-4947.

TERMS OF SALE

Your purchase of goods from Digital Ally, Inc., a Nevada corporation ("**Digital Ally**") will be governed by the following terms of sale ("**Terms**"). You will be referred to throughout these Terms as "**you**".

1. Exclusion of Other Terms; Entire Agreement. Additional or different terms or conditions proposed by you (including any additional or different terms provided in a purchase order) will be void and of no effect unless specifically accepted in writing by Digital Ally. Digital Ally's sales invoice, these Terms, the warranty and any special conditions executed by you and Digital Ally (collectively, the "**Order**") supersedes and cancels all prior communications between us, whether verbal or written, and constitutes the entire agreement between us unless modified in writing and signed by each of us.

2. Payment. Payment terms are cash on delivery, except where credit has been established and maintained to Digital Ally's satisfaction. If you have established credit, payment terms are net 30 days from date of shipment. Any



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invoice that you fail to pay when due will bear interest at the rate of 1-1/2% per month or the highest rate then permitted by law, whichever is less. You must also reimburse Digital Ally for its costs incurred (including internal administrative expenses and reasonable attorneys' fees) in the collection of your past due invoices.

3. Security Interest. Digital Ally retains a security interest in all goods delivered to you and all proceeds until paid in full. You agree, without further consideration, at any time to do or cause to be done, all acts, and to execute and deliver, all such documents as Digital Ally may reasonably request in order to protect Digital Ally's security interest in the goods, including the filing of financing statements that Digital Ally may deem necessary to perfect its security interest.

4. Taxes. In addition to the purchase price, you must pay any sales, excise or similar taxes applicable to the transaction, unless you provide Digital Ally with a valid tax exemption certificate. You must pay use taxes, if applicable to the transaction, directly to the appropriate taxing authority.

5. Shipment. Digital Ally will use commercially reasonable efforts to comply with your shipping instructions. You must prepay all transportation and insurance charges prior to shipment. Unless otherwise stated by Digital Ally, all shipments will be F.O.B. (free on board) Digital Ally's manufacturing facility in Lenexa, KS.

6. Force Majeure. Digital Ally will not be liable to you for any loss, damage, delay, or failure of delivery resulting from causes that are beyond Digital Ally's reasonable control. DIGITAL ALLY WILL NOT BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, PUNITIVE, EXEMPLARY OR SPECIAL DAMAGES FROM ANY DELAY WHATSOEVER.

7. Limitation of Liability. You assume all risk from your purchase and use of the goods. Neither you nor Digital Ally will be liable to the other for any consequential damages, punitive damages, special, incidental or exemplary damages suffered by the other in connection with its performance of its obligations under this Order. DIGITAL ALLY'S AGGREGATE LIABILITY UNDER THIS ORDER WILL NOT EXCEED AMOUNTS PAID BY YOU TO DIGITAL ALLY UNDER THIS ORDER.

8. Warranty; Limitations on Remedies. Digital Ally's warranty on the goods provided under the Order is set out in a separate statement, which sets forth the only warranty applicable to the goods sold under this Order. THAT WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES. THERE ARE NO WARRANTIES THAT EXTEND BEYOND DIGITAL ALLY'S WARRANTY STATEMENT. ALL IMPLIED WARRANTIES ARE DISCLAIMED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT, FITNESS FOR A PARTICULAR PURPOSE, AND WARRANTIES IMPLIED FROM A COURSE OF DEALING, COURSE OF PERFORMANCE OR USAGE OF TRADE. YOUR SOLE AND EXCLUSIVE REMEDY FOR A WARRANTY CLAIM WILL BE THE REPAIR OR REPLACEMENT OF THE GOODS.

9. Indemnity. You will defend Digital Ally, its managers, agents, employees, successors and assigns, (collectively, the "Indemnified Parties"), and will pay all damages, losses, costs and expenses, including reasonable attorney's fees, incurred by the indemnified party arising out of, or incidental to, your selection, purchase and use of the goods under this Order. This indemnification will survive the expiration or termination of this Order.

10. Risk of Loss. Risk of loss to goods purchased will pass to you at the earlier of the time the goods are (a) duly delivered to the carrier, or (b) duly tendered to you for delivery.

11. Acceptance; Claims for Shortage or Error. Delivered goods will be deemed accepted upon the earlier of your formal acceptance of the goods or the expiration of 30 days from receipt. If you discover upon initial inspection that (a) some or all of the goods are defective or (b) do not conform to Digital Ally's warranty, they may be returned to Digital Ally for replacement or a refund of the purchase price. Digital Ally is not responsible for goods lost or



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damaged in transit. You are solely responsible for filing claims against the carrier for any loss or damage. Digital Ally will furnish all available information and give any other reasonable assistance requested to assist you in filing a claim for delivery damage. Claims for shortages in shipment not chargeable against the carrier will not be considered unless notice is given within 10 days from date of receipt of goods.

12. Compliance with Laws. Compliance with Laws. You will comply with all laws and regulations applicable to you, including those dealing with the purchase and distribution of the products purchased under these Terms ("**Products**"). You will further keep Digital Ally informed of any laws, regulations, governmental orders, or requirements, which affect the ordering, shipment, importation, sale, marketing, or distribution of the Products within your jurisdiction and will, in all cases, refrain from engaging in any activities or conduct, which would cause Digital Ally to be in violation of the laws of any jurisdiction. You agree at all times to comply with all United States laws or regulations, as they may exist from time to time, regarding export licenses or the control or regulation of exportation or re-exportation of products or technical data sold or supplied to you. Without limiting the generality of the foregoing, you specifically agree not to resell any Products purchased under these Terms to any party, if such a sale would constitute a violation of any laws or regulations of the United States. In conformity with the FCPA, you represent and warrant that neither you, nor any of your directors or any of your members, managers, officers, employees, or agents is an official agent, or employee of any foreign government or governmental agency or political party. You agree to promptly notify Digital Ally of the occurrence of any event, which would render the foregoing representation and warranty incorrect or misleading. In addition, you will at all times comply with all applicable laws of the United States concerning foreign corrupt practices or which in any manner prohibits the giving of anything of value to any official, agents or employee of any government, governmental agency, political party or any officer, employee, or agent thereof.

13. Governing Law; Jurisdiction and Venue. This Order and all disputes arising under this Order are exclusively subject to, governed by, and construed in accordance with the law of the State of Kansas, without regard to rules of conflicts of law. Any action relating to this Order must be brought in state or federal courts located in Johnson County, Kansas, and the parties hereby irrevocably consent to the exclusive jurisdiction of, and venue in such courts.

14. Prevailing Party's Attorneys' Fees. In the event of any litigation or arbitration related to this Order, the prevailing party will be entitled to recover from the non-prevailing party, the costs and expenses (including attorneys' fees) reasonably incurred by the prevailing party in connection therewith.

15. Cancelled Orders and/or Returns. All cancelled orders and/or product returns may be subject to a 20% restocking fee.

VuVault System Requirements

This is a quick reference guide to qualify on site machines for VuVault compatibility. These include specifications for minimum requirements and recommended machines. Our minimum requirements are higher on VuVault versus VideoManager to avoid issues for now and future released features to the program. **Computers that do not meet these requirements in many cases will work however we cannot guarantee stability or performance and will not support related issues.**

Standalone Software (with or without wireless software)

Minimum Requirements

- Intel® i-Series Dual Core Processor (2.0Ghz or higher)
- 4GB RAM
- Windows 7 Professional Operating System (32 or 64-bit)
- 40GB Free Space (Boot Drive)
- Storage Drive (Qualify customer)

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- DVD+/- RW Drive
- Intel® HD4000 chipset or comparable video card
- 100Mb Network Connection
- USB 2.0 CF/SD Card Reader

Recommended Specifications

- Intel® i-Series Quad Core Processor (2.0Ghz or higher)
- 8GB RAM
- Windows 7 Professional Operating System (64-bit)
- 40GB Free Space (Boot Drive)
- Storage Drive (Qualify Customer)
- DVD +/- RW Drive
- Nvidia® GeForce 8800GS or comparable video card
- Gigabit Network Connection
- SanDisk USB 2.0 CF/SD Card Reader

Server Software (with or without wireless software)

Minimum Requirements

- Intel® i-Series Dual Core Processor (2.4Ghz or higher)
- 4GB RAM
- Windows 7 Professional Operating System (32 or 64-bit) or Windows Server 2008
- 40GB Free Space (Boot Drive)
- Storage Drive (Qualify Customer) Local NTFS (no FAT32 removable drives or **network drives**)
- 100Mb Network Connection

Recommended Specifications

- Intel® i-Series Quad Core Processor (3.00Ghz or higher)
- 8GB RAM
- Windows Server 2008 R2
- 250GB Free Space (Boot Drive)
- Storage Drive (Qualify Customer) Local NTFS (no FAT32 removable drives or **network drives**)
- Gigabit Network Connection

Client/Viewer Software

Minimum Requirements

- Intel® i-Series Dual Core Processor (2.0Ghz or higher)
- 2GB RAM
- Windows XP Service Pack 3 or Windows 7 Pro (32 or 64-bit)
- 40GB Free Space (Boot Drive)
- DVD+/- RW
- Intel® HD4000 chipset or comparable video card
- USB 2.0 CF/SD Card Reader
- 100Mb Network Connection

Recommended Specifications

- Intel® i-Series Dual Core Processor (3.0Ghz or higher)
- 4GB RAM
- Windows 7 Professional (64-bit)
- 40GB Free Space (Boot Drive)
- DVD+/-RW
- Nvidia® GeForce 8800GS or comparable video card
- SanDisk USB 2.0 CF/SD Card Reader
- Gigabit Network Connection

Wireless Requirements and Recommendations



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Minimum Requirements

- Dedicated Outdoor Business Class Wireless Access Point (802.11n & 2.4Ghz)
- 5 cars transferring simultaneously per Access Point
- WPA-PSK w/TKIP Encryption (WPA2-PSK w/AES preferred)
- DHCP Component (Can be integrated to AP or external)

Recommended Model Access Points

- DLINK DAP-3520
- Ubiquiti UniFi Outdoor
- Cisco Aironet 1300 Outdoor



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9705 Loiret Blvd.
 Lenexa, KS 66219
 1-800-440-4947 www.digitalallyinc.com

Customer:

Leesburg Police Department
Chris Parsons
115 E Magnolia St
Leesburg, FL 34748

Customer ID	Salesperson	Shipping Method	Payment Terms	Created By	Quote Valid
LEEFL0	TM			Troy McCoy	90 Days

Ordered	Item Number	Description	Retail Price	Item Discount	Discount	Ext. Price
4	001-00038-10	DVM-800 Complete Kit	\$3995.00	\$0.00	\$0.00	\$15,980.00
4	004-09056-00	Holster, Black with belt clip for RMT800	\$35.00	\$0.00	\$0.00	\$140.00
1		DVM-500 Trade In	\$0.00	\$500.00	\$500.00	(\$500.00)
1		DVM-500 Trade In	\$0.00	\$500.00	\$500.00	(\$500.00)
1		DVM-500 Trade In	\$0.00	\$500.00	\$500.00	(\$500.00)
1		DVM-500 Trade In	\$0.00	\$500.00	\$500.00	(\$500.00)

Notes:

Total Discount	\$2,000.00
Subtotal	\$14,120.00
Misc	
Tax	\$0.00
Freight	\$120.00
Total	\$14,240.00

Thank you for your interest in Digital Ally products. If you would like to place an order, please contact the Digital Ally Sales Team at 1-800-440-4947.

TERMS OF SALE

Your purchase of goods from Digital Ally, Inc., a Nevada corporation ("**Digital Ally**") will be governed by the following terms of sale ("**Terms**"). You will be referred to throughout these Terms as "**you**".

1. Exclusion of Other Terms; Entire Agreement. Additional or different terms or conditions proposed by you (including any additional or different terms provided in a purchase order) will be void and of no effect unless specifically accepted in writing by Digital Ally. Digital Ally's sales invoice, these Terms, the warranty and any special conditions executed by you and Digital Ally (collectively, the "**Order**") supersedes and cancels all prior communications between us, whether verbal or written, and constitutes the entire agreement between us unless modified in writing and signed by each of us.



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2. Payment. Payment terms are cash on delivery, except where credit has been established and maintained to Digital Ally's satisfaction. If you have established credit, payment terms are net 30 days from date of shipment. Any invoice that you fail to pay when due will bear interest at the rate of 1-1/2% per month or the highest rate then permitted by law, whichever is less. You must also reimburse Digital Ally for its costs incurred (including internal administrative expenses and reasonable attorneys' fees) in the collection of your past due invoices.

3. Security Interest. Digital Ally retains a security interest in all goods delivered to you and all proceeds until paid in full. You agree, without further consideration, at any time to do or cause to be done, all acts, and to execute and deliver, all such documents as Digital Ally may reasonably request in order to protect Digital Ally's security interest in the goods, including the filing of financing statements that Digital Ally may deem necessary to perfect its security interest.

4. Taxes. In addition to the purchase price, you must pay any sales, excise or similar taxes applicable to the transaction, unless you provide Digital Ally with a valid tax exemption certificate. You must pay use taxes, if applicable to the transaction, directly to the appropriate taxing authority.

5. Shipment. Digital Ally will use commercially reasonable efforts to comply with your shipping instructions. You must prepay all transportation and insurance charges prior to shipment. Unless otherwise stated by Digital Ally, all shipments will be F.O.B. (free on board) Digital Ally's manufacturing facility in Lenexa, KS.

6. Force Majeure. Digital Ally will not be liable to you for any loss, damage, delay, or failure of delivery resulting from causes that are beyond Digital Ally's reasonable control. DIGITAL ALLY WILL NOT BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, PUNITIVE, EXEMPLARY OR SPECIAL DAMAGES FROM ANY DELAY WHATSOEVER.

7. Limitation of Liability. You assume all risk from your purchase and use of the goods. Neither you nor Digital Ally will be liable to the other for any consequential damages, punitive damages, special, incidental or exemplary damages suffered by the other in connection with its performance of its obligations under this Order. DIGITAL ALLY'S AGGREGATE LIABILITY UNDER THIS ORDER WILL NOT EXCEED AMOUNTS PAID BY YOU TO DIGITAL ALLY UNDER THIS ORDER.

8. Warranty; Limitations on Remedies. Digital Ally's warranty on the goods provided under the Order is set out in a separate statement, which sets forth the only warranty applicable to the goods sold under this Order. THAT WARRANTY IS GIVEN IN LIEU OF ALL OTHER WARRANTIES. THERE ARE NO WARRANTIES THAT EXTEND BEYOND DIGITAL ALLY'S WARRANTY STATEMENT. ALL IMPLIED WARRANTIES ARE DISCLAIMED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT, FITNESS FOR A PARTICULAR PURPOSE, AND WARRANTIES IMPLIED FROM A COURSE OF DEALING, COURSE OF PERFORMANCE OR USAGE OF TRADE. YOUR SOLE AND EXCLUSIVE REMEDY FOR A WARRANTY CLAIM WILL BE THE REPAIR OR REPLACEMENT OF THE GOODS.

9. Indemnity. You will defend Digital Ally, its managers, agents, employees, successors and assigns, (collectively, the "Indemnified Parties"), and will pay all damages, losses, costs and expenses, including reasonable attorney's fees, incurred by the indemnified party arising out of, or incidental to, your selection, purchase and use of the goods under this Order. This indemnification will survive the expiration or termination of this Order.

10. Risk of Loss. Risk of loss to goods purchased will pass to you at the earlier of the time the goods are (a) duly delivered to the carrier, or (b) duly tendered to you for delivery.

11. Acceptance; Claims for Shortage or Error. Delivered goods will be deemed accepted upon the earlier of your formal acceptance of the goods or the expiration of 30 days from receipt. If you discover upon initial inspection that



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(a) some or all of the goods are defective or (b) do not conform to Digital Ally's warranty, they may be returned to Digital Ally for replacement or a refund of the purchase price. Digital Ally is not responsible for goods lost or damaged in transit. You are solely responsible for filing claims against the carrier for any loss or damage. Digital Ally will furnish all available information and give any other reasonable assistance requested to assist you in filing a claim for delivery damage. Claims for shortages in shipment not chargeable against the carrier will not be considered unless notice is given within 10 days from date of receipt of goods.

12. Compliance with Laws. Compliance with Laws. You will comply with all laws and regulations applicable to you, including those dealing with the purchase and distribution of the products purchased under these Terms ("**Products**"). You will further keep Digital Ally informed of any laws, regulations, governmental orders, or requirements, which affect the ordering, shipment, importation, sale, marketing, or distribution of the Products within your jurisdiction and will, in all cases, refrain from engaging in any activities or conduct, which would cause Digital Ally to be in violation of the laws of any jurisdiction. You agree at all times to comply with all United States laws or regulations, as they may exist from time to time, regarding export licenses or the control or regulation of exportation or re-exportation of products or technical data sold or supplied to you. Without limiting the generality of the foregoing, you specifically agree not to resell any Products purchased under these Terms to any party, if such a sale would constitute a violation of any laws or regulations of the United States. In conformity with the FCPA, you represent and warrant that neither you, nor any of your directors or any of your members, managers, officers, employees, or agents is an official agent, or employee of any foreign government or governmental agency or political party. You agree to promptly notify Digital Ally of the occurrence of any event, which would render the foregoing representation and warranty incorrect or misleading. In addition, you will at all times comply with all applicable laws of the United States concerning foreign corrupt practices or which in any manner prohibits the giving of anything of value to any official, agents or employee of any government, governmental agency, political party or any officer, employee, or agent thereof.

13. Governing Law; Jurisdiction and Venue. This Order and all disputes arising under this Order are exclusively subject to, governed by, and construed in accordance with the law of the State of Kansas, without regard to rules of conflicts of law. Any action relating to this Order must be brought in state or federal courts located in Johnson County, Kansas, and the parties hereby irrevocably consent to the exclusive jurisdiction of, and venue in such courts.

14. Prevailing Party's Attorneys' Fees. In the event of any litigation or arbitration related to this Order, the prevailing party will be entitled to recover from the non-prevailing party, the costs and expenses (including attorneys' fees) reasonably incurred by the prevailing party in connection therewith.

15. Cancelled Orders and/or Returns. All cancelled orders and/or product returns may be subject to a 20% restocking fee.

VuVault System Requirements

This is a quick reference guide to qualify on site machines for VuVault compatibility. These include specifications for minimum requirements and recommended machines. Our minimum requirements are higher on VuVault versus VideoManager to avoid issues for now and future released features to the program. **Computers that do not meet these requirements in many cases will work however we cannot guarantee stability or performance and will not support related issues.**

Standalone Software (with or without wireless software)

Minimum Requirements

- Intel® i-Series Dual Core Processor (2.0Ghz or higher)
- 4GB RAM

- Windows 7 Professional Operating System (32 or 64-bit)
- 40GB Free Space (Boot Drive)
- Storage Drive (Qualify customer)
- DVD+/- RW Drive
- Intel® HD4000 chipset or comparable video card
- 100Mb Network Connection
- USB 2.0 CF/SD Card Reader

Recommended Specifications

- Intel® i-Series Quad Core Processor (2.0Ghz or higher)
- 8GB RAM
- Windows 7 Professional Operating System (64-bit)
- 40GB Free Space (Boot Drive)
- Storage Drive (Qualify Customer)
- DVD +/- RW Drive
- Nvidia® GeForce 8800GS or comparable video card
- Gigabit Network Connection
- SanDisk USB 2.0 CF/SD Card Reader

Server Software (with or without wireless software)

Minimum Requirements

- Intel® i-Series Dual Core Processor (2.4Ghz or higher)
- 4GB RAM
- Windows 7 Professional Operating System (32 or 64-bit) or Windows Server 2008
- 40GB Free Space (Boot Drive)
- Storage Drive (Qualify Customer) Local NTFS (no FAT32 removable drives or **network drives**)
- 100Mb Network Connection

Recommended Specifications

- Intel® i-Series Quad Core Processor (3.00Ghz or higher)
- 8GB RAM
- Windows Server 2008 R2
- 250GB Free Space (Boot Drive)
- Storage Drive (Qualify Customer) Local NTFS (no FAT32 removable drives or **network drives**)
- Gigabit Network Connection

Client/Viewer Software

Minimum Requirements

- Intel® i-Series Dual Core Processor (2.0Ghz or higher)
- 2GB RAM
- Windows XP Service Pack 3 or Windows 7 Pro (32 or 64-bit)
- 40GB Free Space (Boot Drive)
- DVD+/- RW
- Intel® HD4000 chipset or comparable video card
- USB 2.0 CF/SD Card Reader
- 100Mb Network Connection

Recommended Specifications

- Intel® i-Series Dual Core Processor (3.0Ghz or higher)
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Wireless Requirements and Recommendations

Minimum Requirements

- Dedicated Outdoor Business Class Wireless Access Point (802.11n & 2.4Ghz)
- 5 cars transferring simultaneously per Access Point
- WPA-PSK w/TKIP Encryption (WPA2-PSK w/AES preferred)
- DHCP Component (Can be integrated to AP or external)

Recommended Model Access Points

- DLINK DAP-3520
- Ubiquiti UniFi Outdoor
- Cisco Aironet 1300 Outdoor



AGENDA MEMORANDUM

Item No: 4.C.3.
Meeting Date: June 22, 2015
From: Al Minner, City Manager
Subject: Notification of Use of Emergency Procurement Procedures - Venetian Gardens Pool Repair

Analysis:

On Tuesday, May 5th the Public Works staff began investigating a leak in the plumbing at the Venetian Gardens pool. The initial investigation focused on the side drain line and the recirculating lines inside the pump house. Leaks in the pump house were obvious, so staff, in accordance with procurement policy, solicited quotes for repair of the pump house lines while attempting to locate and isolate any other leaks. The low bidder's cost to replace the pump house recirculating lines was \$8,118.

By Wednesday, May 13th the Public Works Department had determined there was also a significant leak in the main drain line under the pool. Based on the amount of work required to make repairs and the fast approaching Pool Opening Day (May 23rd), I approved a request from the Public Works Director to implement emergency procurement procedures.

At the May 26th Commission meeting, in accordance with policy, I notified the Commission that I had utilized emergency procurement procedures in order to have the pool ready for opening day. I also provided a project status report, via email, on June 4th.

While the pool was open for the Memorial Day weekend, repair work extended well in to June. Total cost to repair the leak, including the pump house repairs described above, was \$41,655. The only remaining work is site restoration which will be accomplished by Public Works crews. Restoration costs, resodding, sidewalk repair and some minor electrical repairs, will not exceed \$1,500 and will be handled under normal procurement procedures.

Options:

This is official notification to the Commission of a completed emergency procurement in accordance with procurement policy. No action is required.

Fiscal Impact:

In the current General Fund budget there is \$75,000 budgeted for Economic development. The necessary funds will be moved to the Public Works budget to complete the repair.

Submission Date and Time: 6/19/2015 3:47 PM

Department: _____ Prepared by: _____ Attachments: Yes___ No ___ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. 001-5193-519-xxxx _____ Project No. _GFAST _____ WF No. _WF0978926/1 _____ Budget _____ Available _____
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AGENDA MEMORANDUM

Item No: 5.A.1.

Meeting Date: June 22, 2015

From: Dan Miller, Planning & Zoning Manager

Subject: Annexation of 4.06+/- acres on East Richey Road for Lake-Sumter Properties

Staff Recommendation

Planning and Zoning staff recommends approval of the proposed annexation of 4.06+/- acres, located on Richey Road for Lake-Sumter Properties, Inc.

Analysis

The applicant has submitted a request for annexation of approximately 4.06 acres of land generally located on the north side of East Richey Road, and west of South Nursery Road as shown on the attached General Location Map. The property is currently undeveloped. The current zoning is Lake County R-6 (Urban Residential), and the proposed zoning is City RE-1(Estate Density Residential). The applicant proposes to construct a single family residence.

The surrounding zoning of adjacent properties is SPUD (Small Planned Unit Development) to the north; County R-6 (Urban Residential) and City R-3 (High Density Residential) to the south; City R-1 (Low Density Residential) to the east; and County R-6 (Urban Residential) to the west. Annexation of this site would allow for the application of City of Leesburg codes and standards, plus the use of City utilities on the subject property.

Also on the agenda are City of Leesburg small scale comp plan amendment and rezoning applications for this property, with recommendations for approval from both the Planning & Zoning staff and Leesburg Planning Commission.

Options:

1. Approve the annexation thereby allowing appropriate development of the subject property under City of Leesburg codes and regulations.
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Annexation of this property, and construction of a new single family residence, will result in a small positive fiscal impact due to increased tax revenues added to the General Fund.

Submission Date and Time: 6/19/2015 3:47 PM

Department: <u>Comm Dev -P&Z</u> Prepared by: <u>Dan Miller, P&Z Mgr</u> Attachments: <u>Yes</u> <u>No</u> Advertised: <u>Not Required</u> Dates: _____ Attorney Review : <u>Yes</u> <u>No</u> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. <u>MWR</u> Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
---	--	---

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 4.06 ACRES AND BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST RICHEY ROAD AND WEST OF SOUTH NURSERY ROAD, LYING IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 3; AND PROVIDING AN EFFECTIVE DATE. (Lake Sumter Properties)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Lake Sumter Properties, for the property hereinafter described, that the property hereinafter described be annexed to the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, said property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situated in Lake County, Florida, is more particularly described as:

Legal Description
(See EXHIBIT A)

Section 2.

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property annexed hereby is assigned to City Commission District 3.

Section 3.

This ordinance shall become effective immediately upon approval at second reading.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2015.

THE CITY OF LEESBURG

By: _____
Elise A. Dennison, Mayor

ATTEST:

J. Andi Purvis, City Clerk

EXHIBIT A

East 2/3: Commence at the Northwest corner of the SW 1/4 of the NE 1/4 of Section 28, Township 19 South, Range 24 East, Lake County, Florida, and run N89°53'30"E along the North line of said SW 1/4 of the NE 1/4, 565.02 feet to the Point of Beginning of this description; from said Point of Beginning, run N00°24'30"E, 415.66 feet to a point on the South line of HANSON'S ADDITION NO. 2, a subdivision recorded in Plat Book 9, Page 80, in the Public Records of Lake County, Florida; run thence S89°54'20"E along said South line of said HANSON'S ADDITION NO. 2 a distance of 628.80 feet to a point on the West line of PFAHL'S ADDITION, a subdivision recorded in Plat Book 8, Page 58, in the Public Records of Lake County, Florida; thence S00°12'47"E along said West line of PFAHL'S ADDITION a distance of 413.42 feet to a point on the South line of the NW 1/4 of the NE 1/4 of the aforementioned Section 28; thence S89°53'30"W along said South line of the NW 1/4 of the NE 1/4, 633.29 feet to the Point of Beginning, LESS the West 210.34 feet thereof. LESS right-of-way for Richey Road.

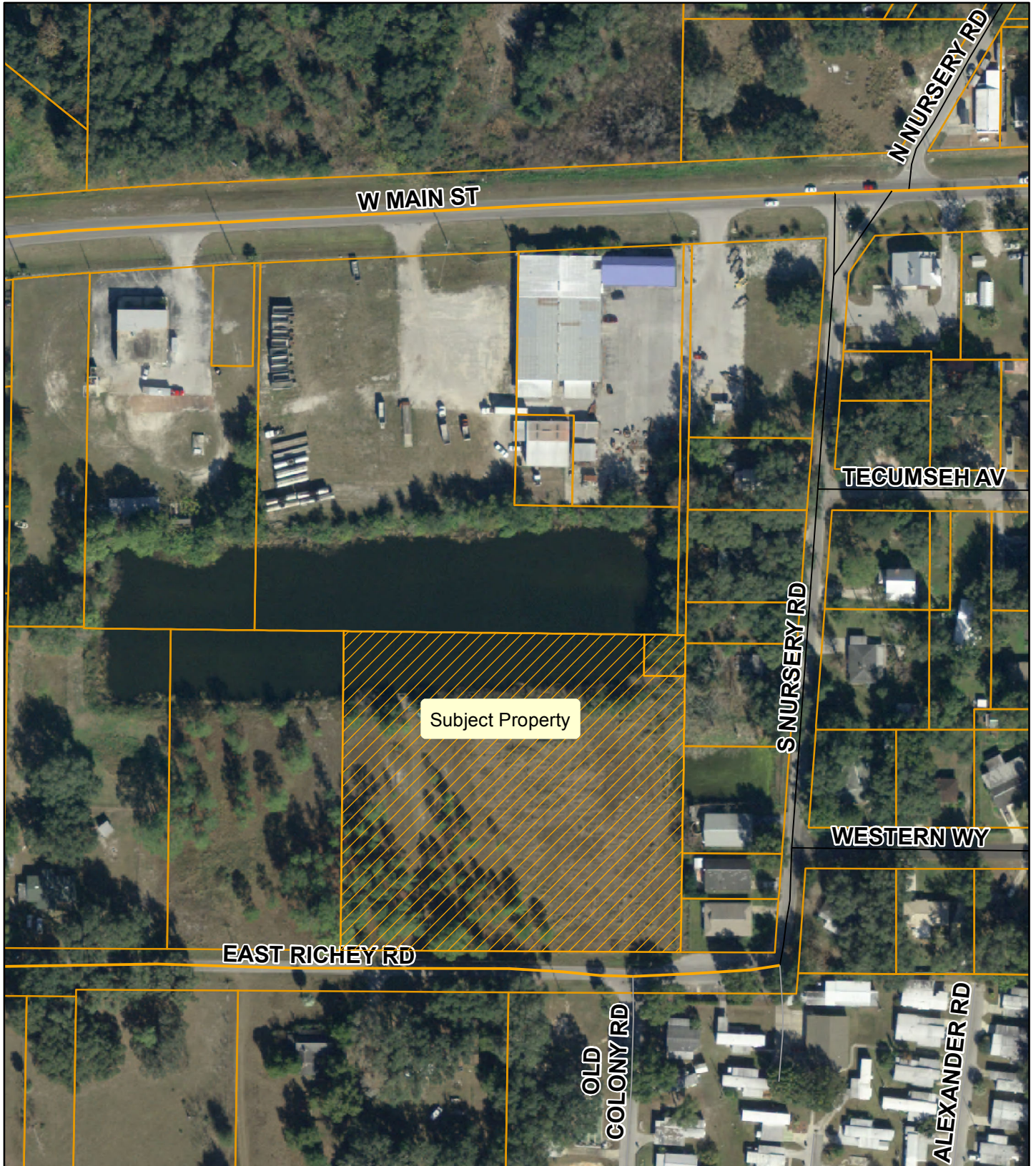
LESS the North 50 feet of the East 50 feet thereof.

PARCEL 2:

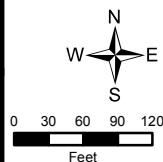
The East 50 feet of the North 50 feet of a part of the North 1/2 of Section 28, Township 19 South, Range 24 East, in Lake County, Florida, described as follows: Commence at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 28, Township 19 South, Range 24 East, and run North 89 Degrees 53 Minutes 30 Seconds East, along the North line of the Southwest 1/4 of the Northeast 1/4 a distance of 739.52 feet to the point of beginning of this description; from said point of beginning run North 00 Degree 12 Minutes 47 Seconds West, 415.02 feet; thence South 89 Degrees 54 Minutes 20 Seconds East 454.29 feet to a point on the West line of Pfahl's Addition, a Subdivision recorded in Plat Book 8, Page 58, in the Public Records of Lake County, Florida; thence South 00 Degree 12 Minutes 47 Seconds East along the West line of Pfahl's Addition a distance of 413.42 feet to a point on the South line of the Northwest 1/4 of the Northeast 1/4 of the aforementioned Section 28; thence South 89 Degrees 53 Minutes 30 Seconds West, along said South line of the Northwest 1/4 of the Northeast 1/4 a distance of 454.29 feet to the point of beginning. Less the South 33 feet thereof for road Right-of-way.

Lake County Alternate key(s) 3852029 and 1800889

Aerial

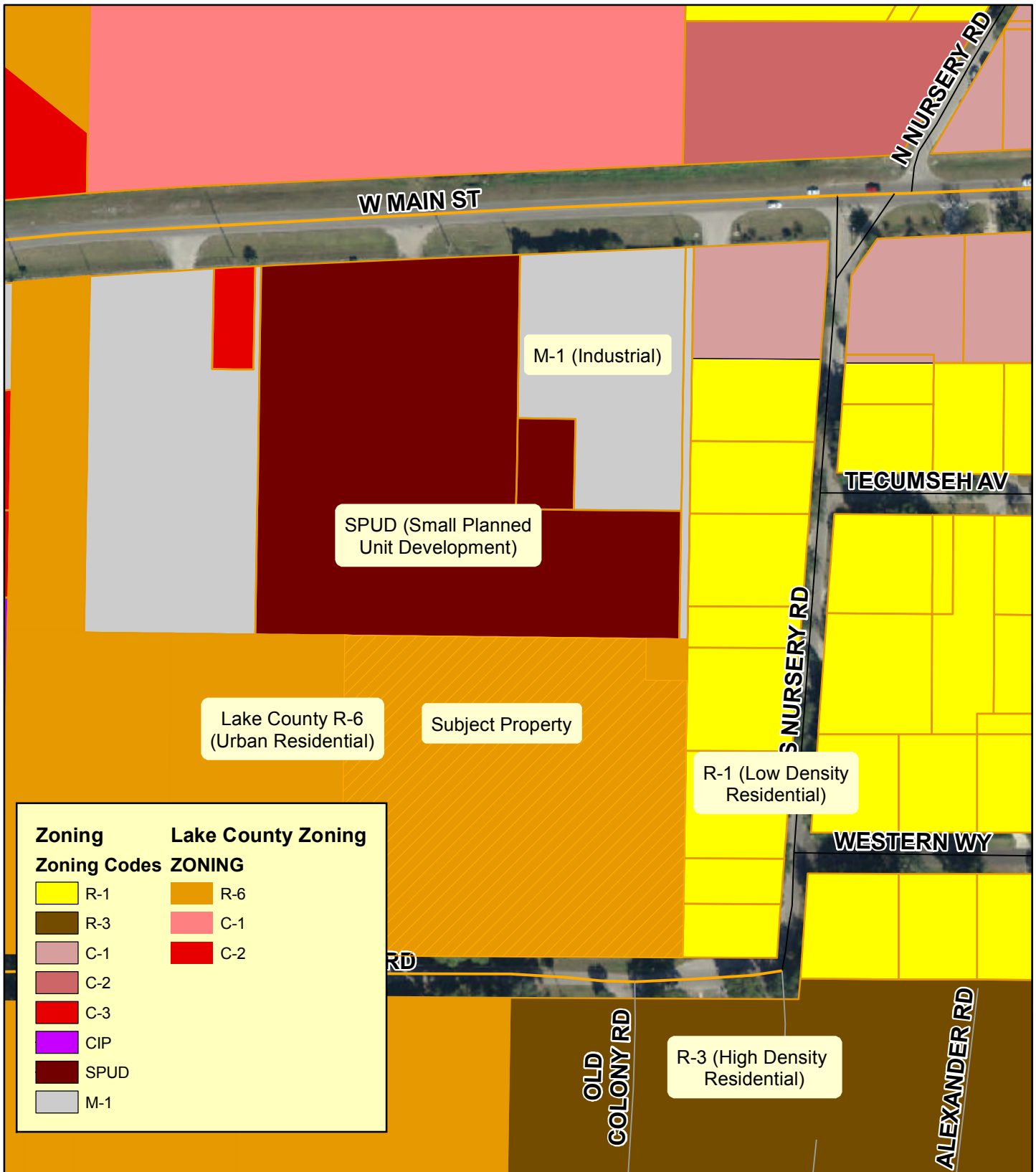


**Planning
& Zoning
Division**

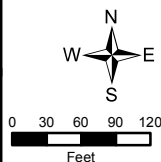


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Zoning

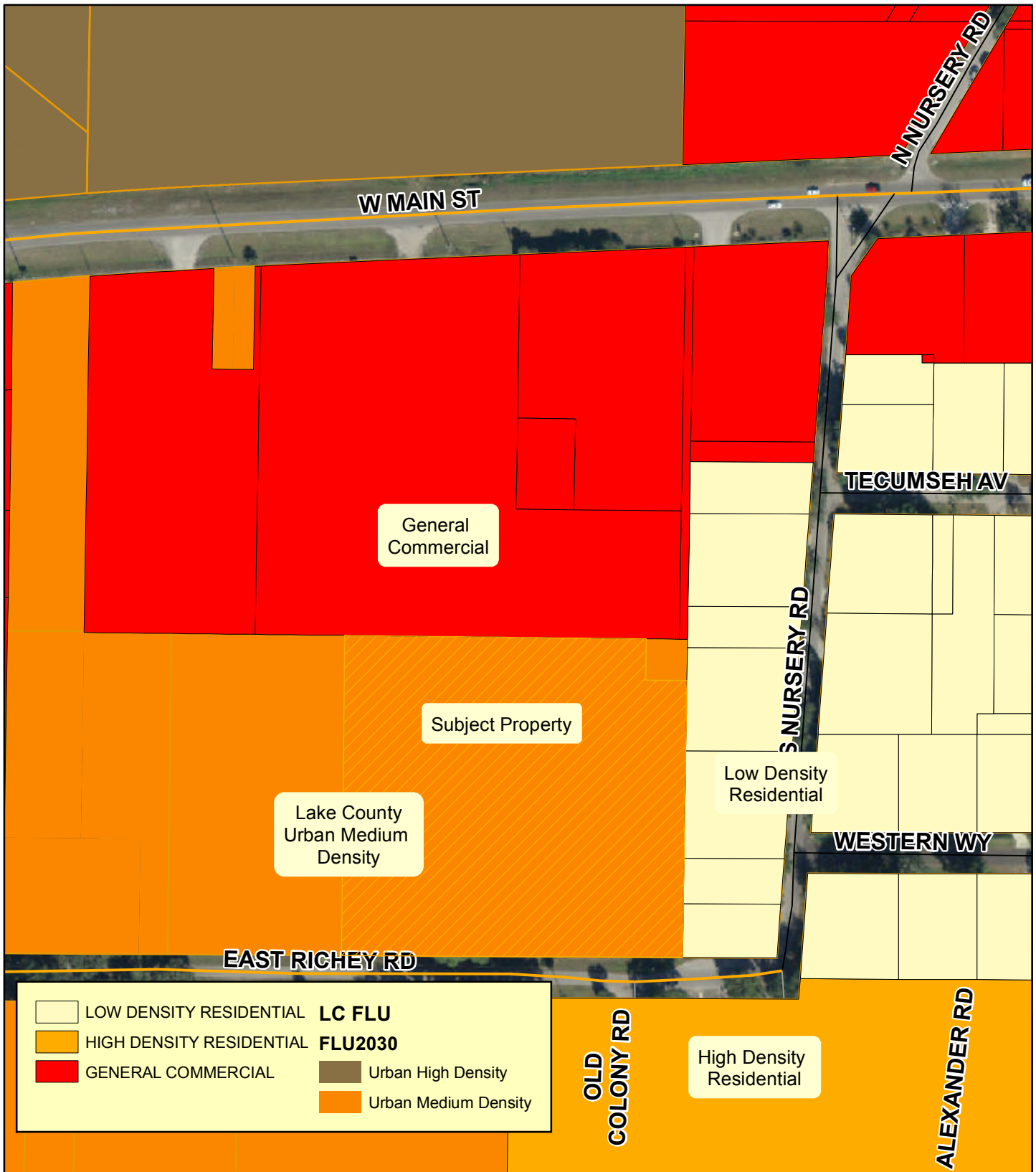


**Planning
& Zoning
Division**

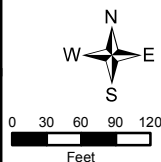


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Future Land Use



**Planning
& Zoning
Division**

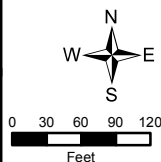


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Surrounding Land Uses

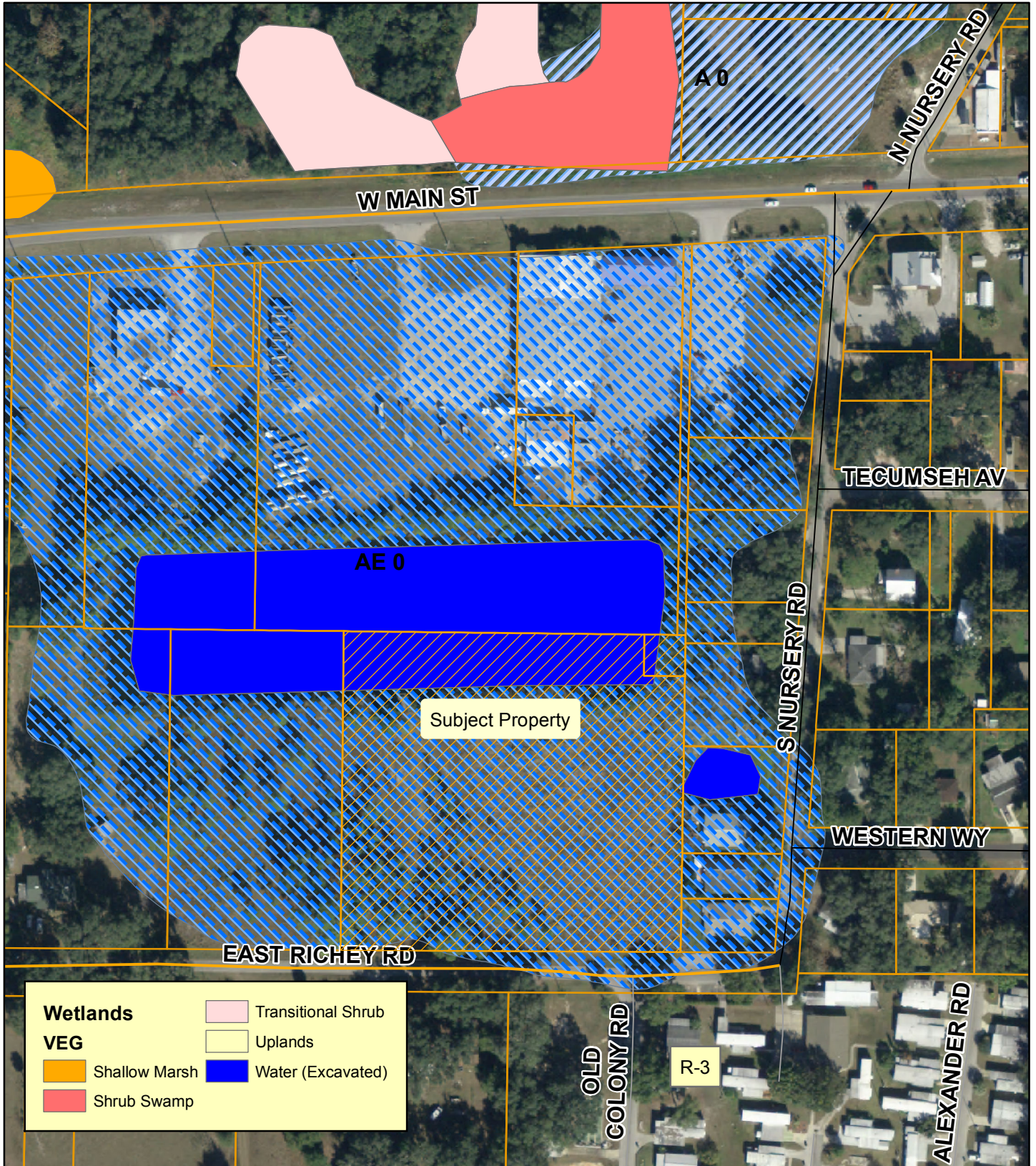


**Planning
& Zoning
Division**

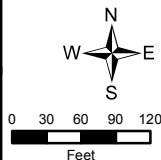


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Wetlands and Flood Zones



**Planning
& Zoning
Division**



ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E



View of adjacent property to the south and east at East Richey Road and Old Colony.



View of subject property -- as seen from Richey Road looking north.



View of adjacent undeveloped property to the west.



View of adjacent property to the south.



View of East Richey Road looking to the west.



View of zoning sign posted on the subject property.



AGENDA MEMORANDUM

Item No: 5.A.2.

Meeting Date: June 22, 2015

From: Dan Miller, Planning and Zoning Manager

Subject: Small Scale Comprehensive Plan Amendment for Lake Sumter Properties

Staff Recommendation

Planning Staff and Planning Commission recommend approval of the proposed small-scale comprehensive plan amendment to the City's adopted Growth Management Plan from Lake County Urban Medium Density to City Estate.

Analysis

The property consists of approximately 4.06 acres, located on East Richey Road, west of South Nursery Road. The project site is ten (10) or less acres and is therefore considered a small scale comprehensive land use plan amendment. The City will notify the Florida Department of Economic Opportunity (FDEO) of the plan amendment and the Department will review the project site to confirm that it is ten (10) acres or less. At that time, the Department will determine that it is a local issue and not subject to Department review.

Currently, the property is undeveloped. The owner plans to construct a single family residence in the future. The Future Land Use Map designation of the property is currently Lake County Urban Medium Density. The surrounding Future Land Use Map designations are General Commercial to the north, (buffered by an existing retention pond) County Urban Medium Density and City High Density to the south; City Low Density to the east, and County Urban Medium Density to the west. The proposed future land use category of Estate is consistent with the proposed use of the property.

Included on this agenda is the annexation and rezoning applications for this property, with recommendations of approval from Planning and Zoning staff and the Leesburg Planning Commission.

Options

1. Approve the proposed Small Scale Comprehensive Plan amendment from County Urban Medium Density to City Estate; or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact

A small positive fiscal impact is anticipated as a result of the annexation, small scale comp plan, rezoning and future construction of a single family home on this property.

Submission Date and Time: 6/19/2015 3:47 PM

Department: <u>_Comm Dev – P&Z</u> Prepared by: <u>Dan Miller, P&Z Mgr</u> Attachments: <u>Yes</u> <u>No</u> Advertised: <u>Not Required</u> Dates: _____ Attorney Review : <u>Yes</u> <u>No</u> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. <u>MWR</u> Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 4.06 ACRES, BEING GENERALLY LOCATED ON THE NORTH SIDE OF EAST RICHEY ROAD, AND WEST OF SOUTH NURSERY ROAD, LYING IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, FROM LAKE COUNTY URBAN MEDIUM DENSITY TO CITY OF LEESBURG ESTATE; AND PROVIDING AN EFFECTIVE DATE. (Lake Sumter Properties)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission acting as the Local Planning Agency, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA,
that:

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the designation of an approximate 4.06 acre parcel of land generally located on the north side of East Richey Road, and west of South Nursery Road, from Lake County Urban Medium Density to City Estate as shown on Attachment 1, the revised map of said area., lying in Section 28, Township 19 South, Range 24 East, Lake County, Florida, legally described as:

Legal Description
(See Exhibit A)

Section 2.

All ordinances or part of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2015.

THE CITY OF LEESBURG

By:

Elise A. Dennison, Mayor

ATTEST:

J. Andi Purvis, City Clerk

EXHIBIT A

East 2/3: Commence at the Northwest corner of the SW 1/4 of the NE 1/4 of Section 28, Township 19 South, Range 24 East, Lake County, Florida, and run N89°53'30"E along the North line of said SW 1/4 of the NE 1/4, 565.02 feet to the Point of Beginning of this description; from said Point of Beginning, run N00°24'30"E, 415.66 feet to a point on the South line of HANSON'S ADDITION NO. 2, a subdivision recorded in Plat Book 9, Page 80, in the Public Records of Lake County, Florida; run thence S89°54'20"E along said South line of said HANSON'S ADDITION NO. 2 a distance of 628.80 feet to a point on the West line of PFAHL'S ADDITION, a subdivision recorded in Plat Book 8, Page 58, in the Public Records of Lake County, Florida; thence S00°12'47"E along said West line of PFAHL'S ADDITION a distance of 413.42 feet to a point on the South line of the NW 1/4 of the NE 1/4 of the aforementioned Section 28; thence S89°53'30"W along said South line of the NW 1/4 of the NE 1/4, 633.29 feet to the Point of Beginning, LESS the West 210.34 feet thereof. LESS right-of-way for Richey Road.

LESS the North 50 feet of the East 50 feet thereof.

PARCEL 2:

The East 50 feet of the North 50 feet of a part of the North 1/2 of Section 28, Township 19 South, Range 24 East, in Lake County, Florida, described as follows: Commence at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 28, Township 19 South, Range 24 East, and run North 89 Degrees 53 Minutes 30 Seconds East, along the North line of the Southwest 1/4 of the Northeast 1/4 a distance of 739.52 feet to the point of beginning of this description; from said point of beginning run North 00 Degree 12 Minutes 47 Seconds West, 415.02 feet; thence South 89 Degrees 54 Minutes 20 Seconds East 454.29 feet to a point on the West line of Pfahl's Addition, a Subdivision recorded in Plat Book 8, Page 58, in the Public Records of Lake County, Florida; thence South 00 Degree 12 Minutes 47 Seconds East along the West line of Pfahl's Addition a distance of 413.42 feet to a point on the South line of the Northwest 1/4 of the Northeast 1/4 of the aforementioned Section 28; thence South 89 Degrees 53 Minutes 30 Seconds West, along said South line of the Northwest 1/4 of the Northeast 1/4 a distance of 454.29 feet to the point of beginning. Less the South 33 feet thereof for road Right-of-way.

Alternate Key Number(s) 3853029 and 1800889

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: April 15, 2015
OWNER: Michael & Erika Cruciger, Andrew G. Tremblay
PETITIONER: Michael & Erika Cruciger, Andrew G. Tremblay
PROJECT: Lake-Sumter Properties
REQUEST: Small Scale Comprehensive Agreement
CASE NO.: SSCP-15-41

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 04/15/15

FIRE

"Nothing from Fire." – David Johnson – 04/01/15

ELECTRIC

"Electric has no objections." – Steve Davis – 04/01/15.

WATER DISTRIBUTION

No comments received as of 04/15/15

WATER BACKFLOW

"Water backflow has no issues with this." – Helga Bundy – 04/02/15.

STORMWATER

No comments received as of 04/15/15

WASTEWATER

"No Comments." – John Slote – 04/01/15

GAS

Approved by the City of Leesburg Gas Dept – per Kim Keenan Gas Distribution Coordinator. Natural gas is available at this property, contact kim.keenan@leesburgflorida.gov or 352-435-9420.

GIS

No comments received as of 04/15/15

BUILDING

No comments received as of 04/15/15

ENGINEERING/PUBLIC WORKS/SURVEY

"This property lies entirely within a special flood hazard area (SFHA) and will require floodplain development permitting before a residential site plan can be approved. Special consideration to remove

portions of the property from the SFHA by LOMA or LOMA-F should be taken before the building permit process is begun. There are no objections to the requests.” – Adrian Parker – 04/01/15

ADDRESSING

“The legal description that was attached less’s out the north 50’ of the east 50’
Per the aerial and Alternate Keys provided, the north 50’ of the east 50’ needs to be included.
Exhibit “A” was included twice in the packet provided. Is there another legal description for the N50’ of the E50’?” – Deb Devoe – 04/01/15

ECONOMIC DEVELOPMENT

No comments received as of 04/15/15

PUBLIC RESPONSES

Approval

Jane E. Parker – 2604 Western Way, Leesburg, FL 34748 – 352-787-2549 – grannyjp1018@aol.com

Disapproval

Antonia Mesia – 213 S. Nursery Road, Leesburg, FL 34748 – 352-315-4368



**CITY OF LEESBURG PLANNING & ZONING DIVISION
RECOMMENDATIONS**

DATE: April 15, 2015
OWNER: Michael & Erika Cruciger, Andrew G. Tremblay
PETITIONER: Michael & Erika Cruciger, Andrew G. Tremblay
PROJECT: Lake-Sumter Properties
REQUEST: Small Scale Comprehensive Agreement
CASE NO.: SSCP-15-41

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request

for the following reason(s):

1. This project meets the requirements of Chapter 163.3187(1)(c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City Estate is compatible with the adjacent properties with future land use designations of High Density, Low Density, and Lake County Urban Medium Density, and does not appear to present a detriment to the adjoining property to the north with a future land use designation of General Commercial.
3. The proposed Future Land Use Designation of City Estate is compatible with the current surrounding zoning districts of SPUD (Small Planned Unit Development), R-3 (High Density Residential), R-1 (Low Density Residential) and Lake County R-6 (Urban Residential). This request does not appear to create a detriment to the surrounding properties.
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the Small Scale Comprehensive Plan designation from Lake County Urban Medium Density to City Estate and forward the recommendation to the City Commission for consideration.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: April 10, 2015
OWNER: Michael & Erika Cruciger, Andrew G. Tremblay
PETITIONER: Michael & Erika Cruciger, Andrew G. Tremblay
PROJECT: Lake-Sumter Properties
REQUEST: Small Scale Comp Plan Amendment
CASE NO.: SSCP 15-41

GENERAL LOCATION: The property is generally located on East Richey Road and South Nursery Road.

FUTURE LAND USE DESIGNATION: Urban Medium Density

SURROUNDING FUTURE LAND USE DESIGNATION:

North -	General Commercial
South -	High Density Residential & County Urban Medium Density
East -	Low Density Residential
West -	County Urban Medium Density

PROPOSED FUTURE LAND USE DESIGNATION: City - Estate Density

EXISTING ZONING DESIGNATION: R-6 (Urban Residential)

SURROUNDING ZONING DESIGNATIONS:

North -	SPUD (Small Planned Unit Development) & M-1 (Industrial)
South -	County R-6 (Urban Residential), City R-3 (High Density Residential)
East -	R-1 (Low Density Residential)
West -	County R-6 (Urban Residential)

PROPOSED ZONING DESIGNATION: RE-1 (Estate Density Residential)

EXISTING LAND USE: Undeveloped property

SURROUNDING LAND USE:

North -	Retention pond, Trucking Company
South -	Single Family Residential
East -	Single Family Residential
West -	Undeveloped



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, APRIL 16, 2015, 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, April 16, 2015, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Charles Townsend
Ted Bowersox
Stewart Kaplan
Frazier J. Marshall
Don Lukich

City staff that was present included Dan Miller, Planning & Zoning Manager, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Chairman James Argento and the Pledge of Allegiance to the Flag.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR MARCH 19, 2015.

Commissioner Charles Townsend moved to APPROVE the minutes from the MARCH 19, 2015 meeting. Commissioner Frazier J. Marshall SECONDED the motion, which was PASSED by a vote of 7 to 0.

Dan Miller, Planning & Zoning Manager, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak

NEW BUSINESS

3. **PUBLIC HEARING CASE # SSCP-15-41 – LAKE-SUMTER PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT ON THE SUBJECT PROPERTY FROM LAKE COUNTY URBAN MEDIUM DENSITY TO CITY ESTATE ON 4.06 +/- ACRES FOR A PROPERTY LOCATED ON EAST RICHEY ROAD AND SOUTH NURSERY ROAD AS LEGALLY DESCRIBED IN SECTION 28, TOWNSHIP 19S, RANGE 24E, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE **(CITY COMMISSION DATES - 1st READING ON MAY 11TH, 2015 AND MAY 26TH, 2015)**

Dan Miller entered the exhibits into the record and presented the overhead exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There was a comment received from the Public Works department regarding that the entire property is within the flood zone. There were two public responses received for approval and one response received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This project meets the requirements of Chapter 163.3187(1)(c) Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City Estate is compatible with the adjacent properties with future land use designations of High Density, Low Density, and Lake County Urban Medium Density, and does not appear to present a detriment to the adjoining property to the north with a future land use designation of General Commercial.
3. The proposed Future Land Use Designation of City Estate is compatible with the current surrounding zoning districts of SPUD (Small Planned Unit Development), R-3 (High Density Residential), R-1 (Low Density Residential) and Lake County R-6 (Urban Residential). This request does not appear to create a detriment to the surrounding properties.
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the Small Scale Comprehensive Plan designation from Lake County Urban Medium Density to City Estate and forward the recommendation to the City Commission for consideration.

Commissioner Bowersox asked if there was an easement to West Main Street. Dan Miller answered that the Industrial zoning goes all the way to West Main Street.

This was the end of the discussion and the voting then took place.

Commissioner Stewart Kaplan made a motion to APPROVE case # SSCP-15-41 – LAKE-SUMTER PROPERTIES – SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Donald Lukich SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

ANNOUNCEMENTS

The next scheduled meeting date is May 21, 2015.

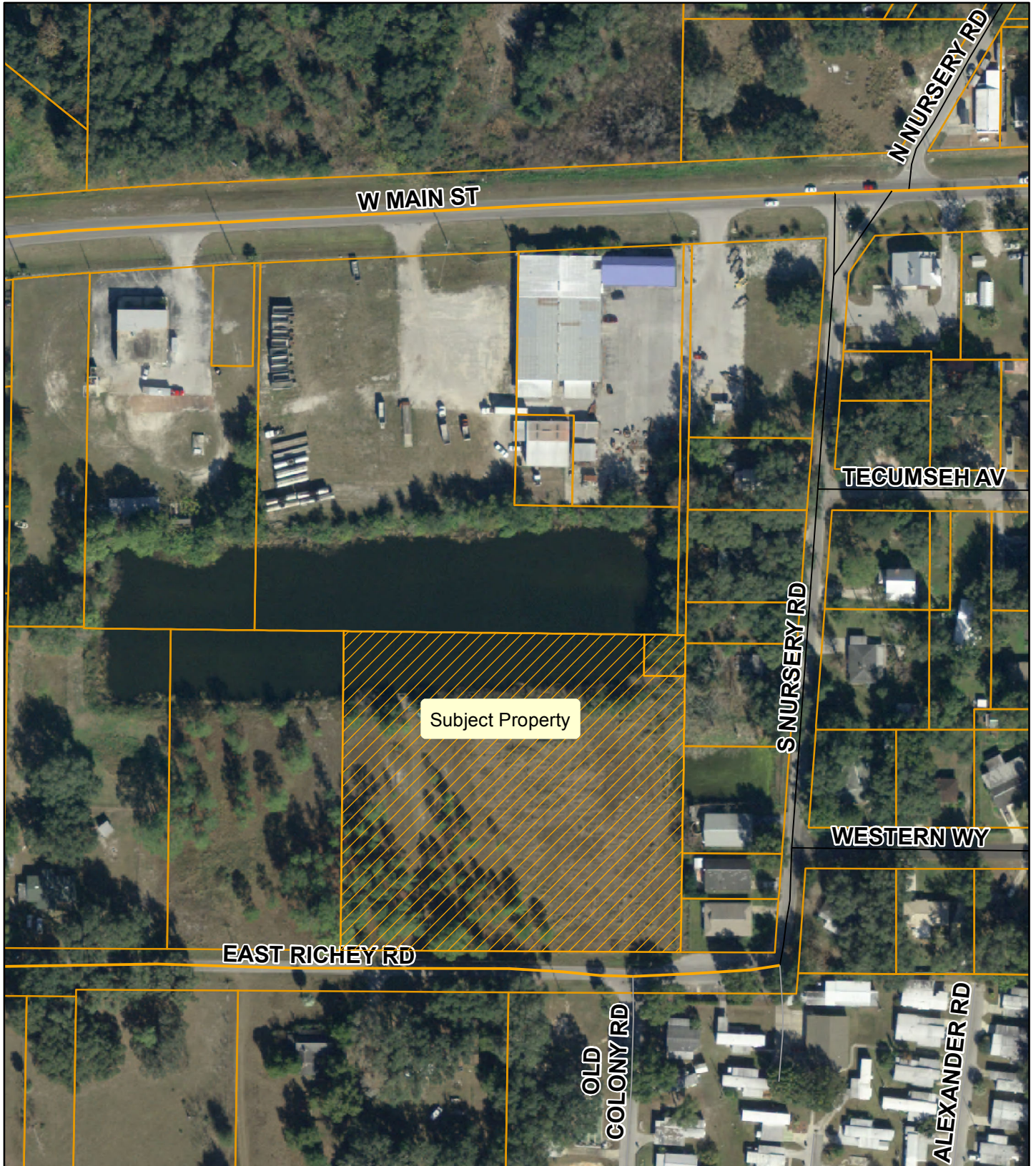
The meeting adjourned at 5:30 p.m.

James Argento, Chairperson

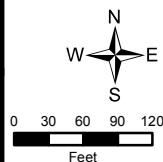
Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II

Aerial

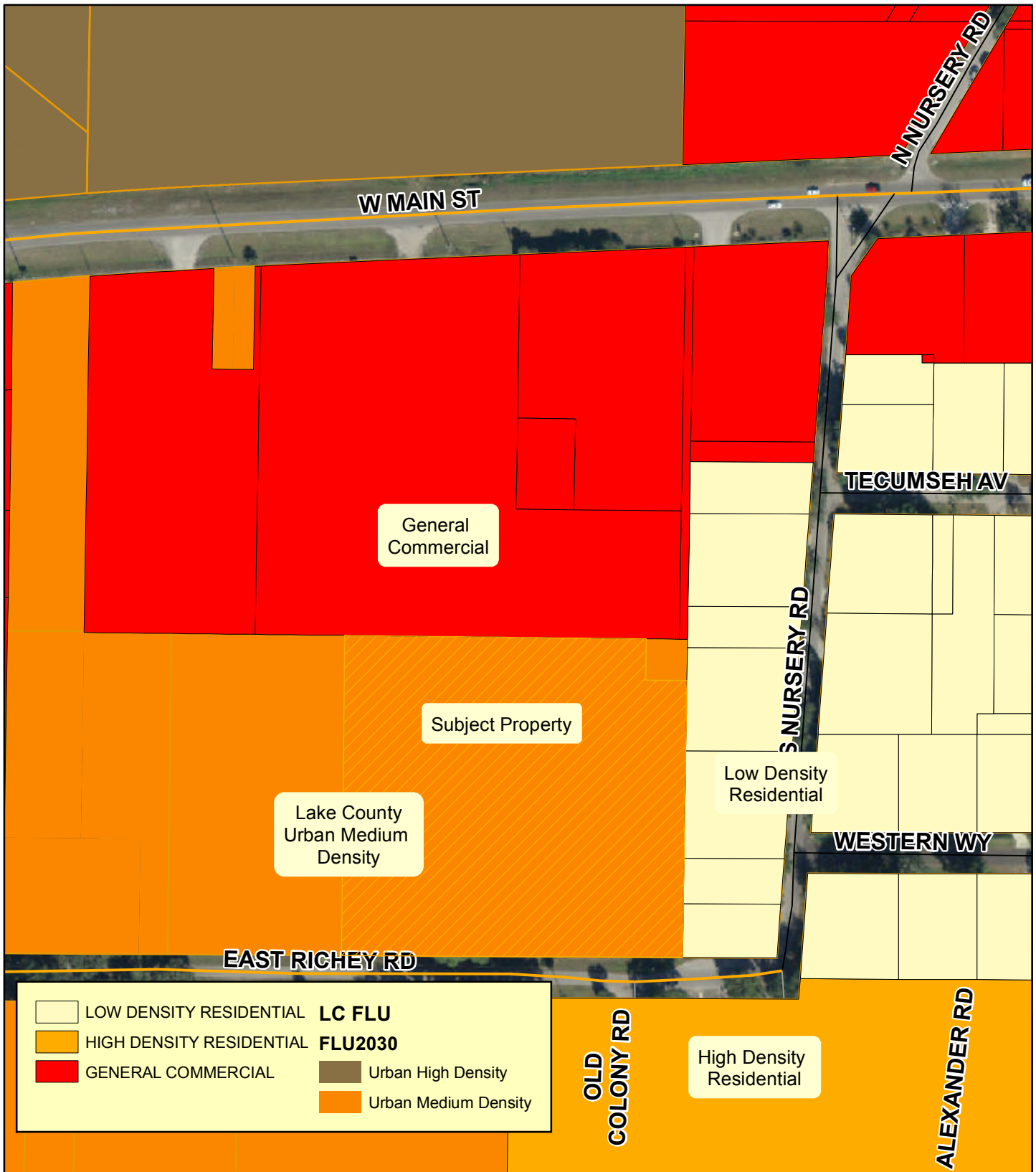


**Planning
& Zoning
Division**

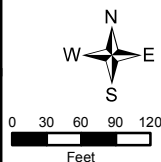


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Future Land Use



Planning
& Zoning
Division

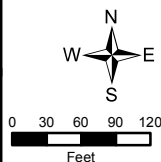


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Surrounding Land Uses

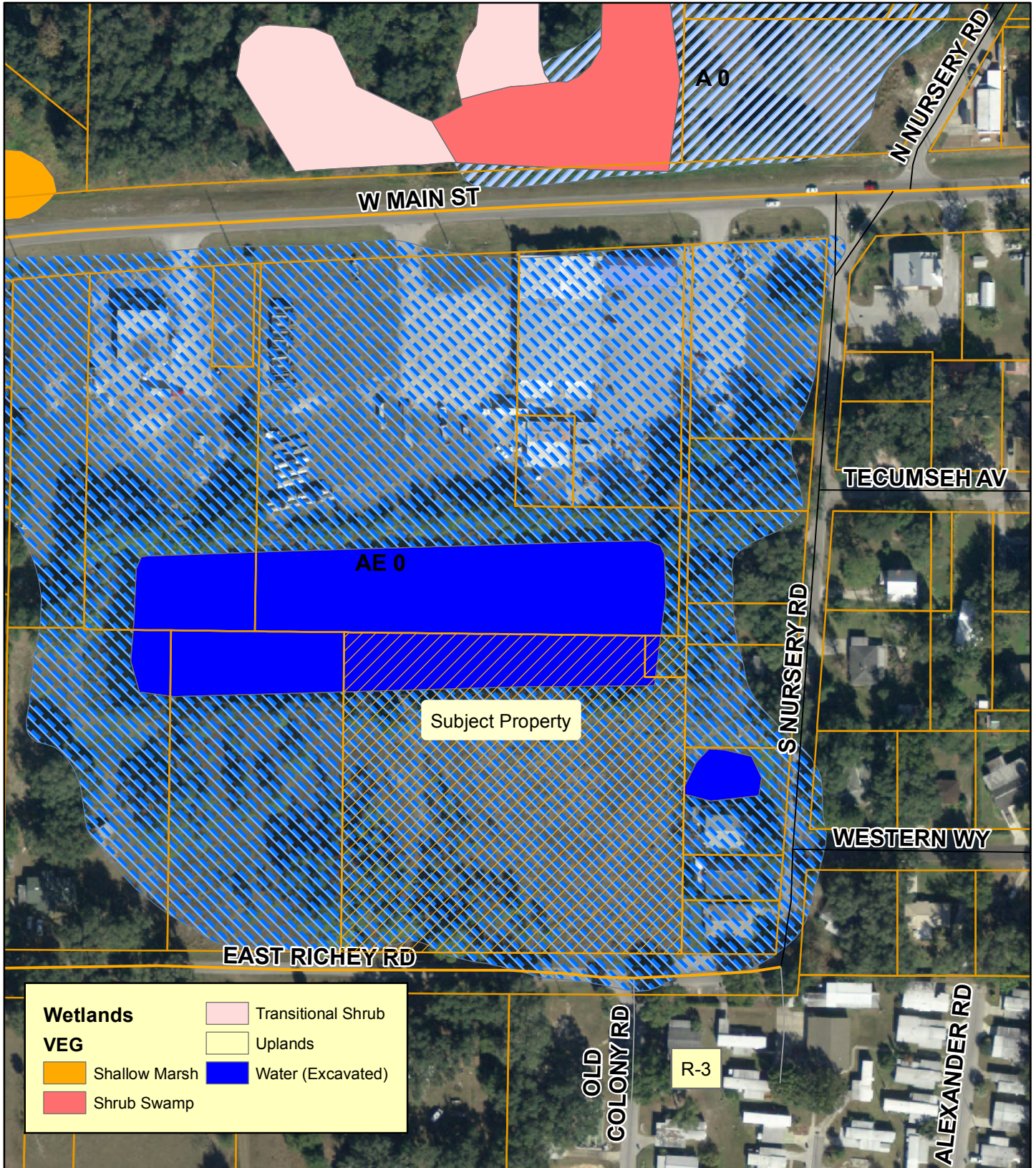


**Planning
& Zoning
Division**

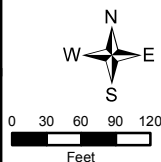


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Wetlands and Flood Zones

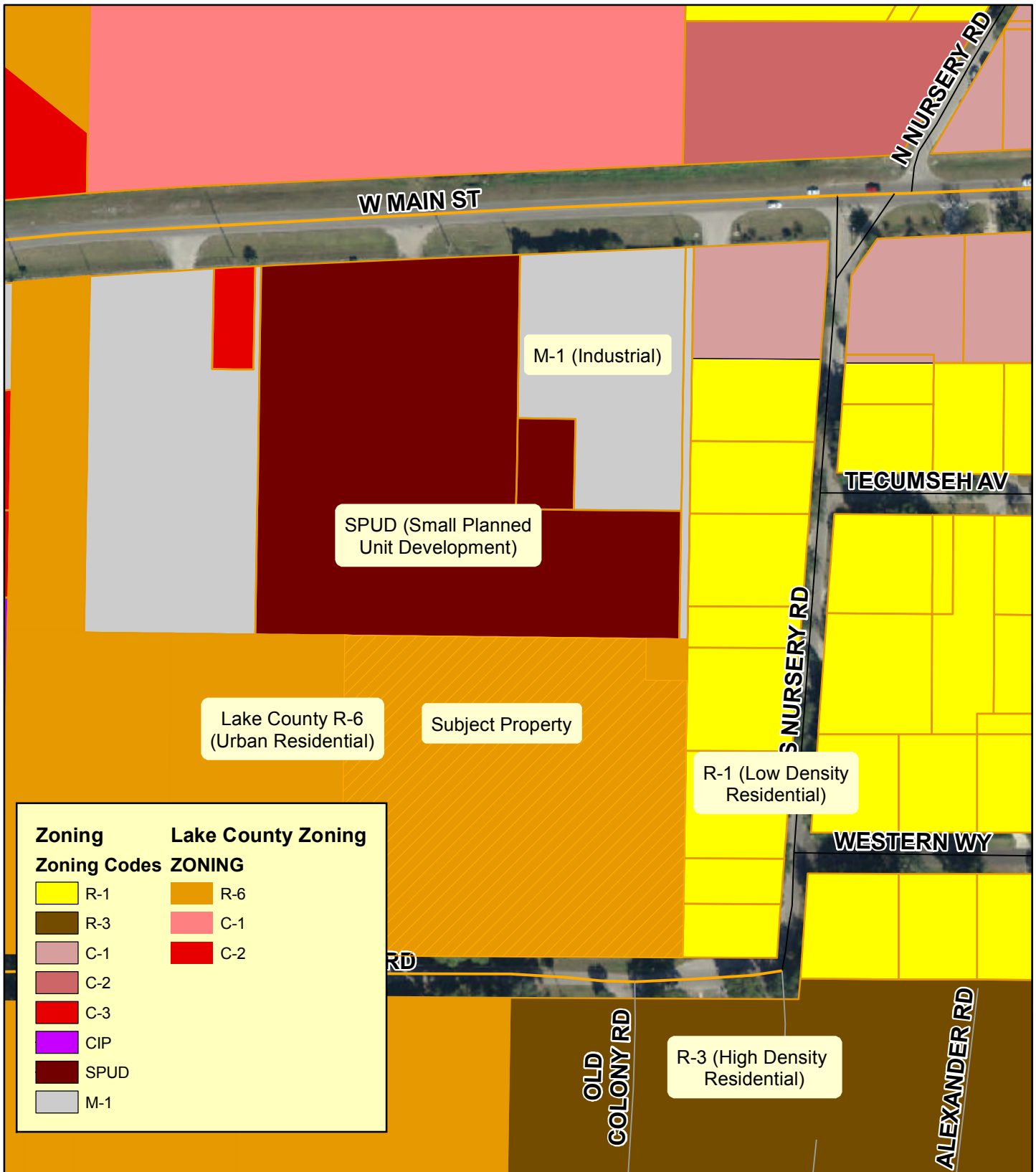


**Planning
& Zoning
Division**

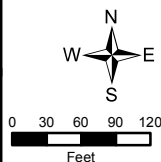


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Zoning



**Planning
& Zoning
Division**



ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E



View of adjacent property to the south and east at East Richey Road and Old Colony.



View of subject property -- as seen from Richey Road looking north.



View of adjacent undeveloped property to the west.



View of adjacent property to the south.



View of East Richey Road looking to the west.



View of zoning sign posted on the subject property.



AGENDA MEMORANDUM

Item No: 5.A.3.

Meeting Date: June 22, 2015

From: Dan Miller, Planning & Zoning Manager

Subject: Rezoning of 4.06 +/- acres from County R-6 (Urban Residential) to City RE-1 (Estate Density Residential) for Lake Sumter Properties.

Staff Recommendation

The Planning staff and the Planning Commission recommend approval of the proposed rezoning for the subject properties from Lake County R-6 (Urban Residential) to City RE-1 (Estate Density Residential).

Analysis

The project site is approximately 4.06 acres. The property is generally located on the north side of East Richey Road, and west of South Nursery Road as shown on the attached General Location Map. The present zoning for this property is County R-6 (Urban Residential). The current use of the property is an undeveloped lot. The proposed use is for a single family residence. The surrounding zoning designations are City SPUD (Small Planned Unit Development) to the north; R-3 (High Density Residential), County R-6 (Urban Residential) to the south, R-1 (Low Density Residential) to the east; and County R-6 (Urban Residential) to the west. The surrounding Future Land Use Map designations are General Commercial to the north; High Density and County Urban Medium Density to the south; Low Density to the east and County Urban Medium Density to the west.

The proposed zoning district of City RP (Residential Professional) is compatible with the adjacent and nearby properties in the area and with the proposed future land use designation of City Estate. This request does not appear to create a detriment to the surrounding properties.

By a vote of 7 to 0 on May 21, 2015, the Planning Commission voted to recommend approval.

Options

1. Approve the proposed rezoning to City RE-1 (Estate Density Residential) thereby allowing consistent zoning and development standards for this area.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact

There is a small positive fiscal impact anticipated from the annexation of this property and the future construction of a single family home on this site.

Submission Date and Time: 6/19/2015 3:48 PM

Department: _____ Prepared by: _____ Attachments: Yes___ No ___ Advertised: ___ Not Required ___ Dates: _____ Attorney Review : Yes___ No ___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ MWR _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA REZONING APPROXIMATELY 4.06 ACRES FROM LAKE COUNTY R6 (URBAN DENSITY RESIDENTIAL) TO CITY RE-1 (ESTATE DENSITY RESIDENTIAL) FOR PROPERTY GENERALLY LOCATED ON EAST RICHEY ROAD, WEST OF SOUTH NURSERY ROAD; AND PROVIDING AN EFFECTIVE DATE. (LAKE SUMTER PROPERTIES)

Based upon the petition of Lake Sumter Properties, the petitioner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from County R-6 (Urban Residential) RE-1(Estate Density Residential) to-wit:

(Legal Description)
(See Exhibit A)

Alternate Keys # 1800889 & 3852029

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2015.

THE CITY OF LEESBURG

By: _____
Elise A. Dennison, Mayor

ATTEST:

J. Andi Purvis, City Clerk

EXHIBIT A

East 2/3: Commence at the Northwest corner of the SW 1/4 of the NE 1/4 of Section 28, Township 19 South, Range 24 East, Lake County, Florida, and run N89°53'30"E along the North line of said SW 1/4 of the NE 1/4, 565.02 feet to the Point of Beginning of this description; from said Point of Beginning, run N00°24'30"E, 415.66 feet to a point on the South line of HANSON'S ADDITION NO. 2, a subdivision recorded in Plat Book 9, Page 80, in the Public Records of Lake County, Florida; run thence S89°54'20"E along said South line of said HANSON'S ADDITION NO. 2 a distance of 628.80 feet to a point on the West line of PFAHL'S ADDITION, a subdivision recorded in Plat Book 8, Page 58, in the Public Records of Lake County, Florida; thence S00°12'47"E along said West line of PFAHL'S ADDITION a distance of 413.42 feet to a point on the South line of the NW 1/4 of the NE 1/4 of the aforementioned Section 28; thence S89°53'30"W along said South line of the NW 1/4 of the NE 1/4, 633.29 feet to the Point of Beginning, LESS the West 210.34 feet thereof. LESS right-of-way for Richey Road.

LESS the North 50 feet of the East 50 feet thereof.

PARCEL 2:

The East 50 feet of the North 50 feet of a part of the North 1/2 of Section 28, Township 19 South, Range 24 East, in Lake County, Florida, described as follows: Commence at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of said Section 28, Township 19 South, Range 24 East, and run North 89 Degrees 53 Minutes 30 Seconds East, along the North line of the Southwest 1/4 of the Northeast 1/4 a distance of 739.52 feet to the point of beginning of this description; from said point of beginning run North 00 Degree 12 Minutes 47 Seconds West, 415.02 feet; thence South 89 Degrees 54 Minutes 20 Seconds East 454.29 feet to a point on the West line of Pfahl's Addition, a Subdivision recorded in Plat Book 8, Page 58, in the Public Records of Lake County, Florida; thence South 00 Degree 12 Minutes 47 Seconds East along the West line of Pfahl's Addition a distance of 413.42 feet to a point on the South line of the Northwest 1/4 of the Northeast 1/4 of the aforementioned Section 28; thence South 89 Degrees 53 Minutes 30 Seconds West, along said South line of the Northwest 1/4 of the Northeast 1/4 a distance of 454.29 feet to the point of beginning. Less the South 33 feet thereof for road Right-of-way.

Lake County Alternate Keys 1800889 & 3852029

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: April 10, 2015
OWNER: Michael & Erika Cruciger, Andrew G. Tremblay
PETITIONER: Michael & Erika Cruciger, Andrew G. Tremblay
PROJECT: Lake-Sumter Properties
REQUEST: Rezoning
CASE NO.: RZ-15-42

GENERAL LOCATION: The property is generally located on East Richey Road and South Nursery Road.

FUTURE LAND USE DESIGNATION: Urban Medium Density

SURROUNDING FUTURE LAND USE DESIGNATION:

North -	General Commercial
South -	High Density Residential & County Urban Medium Density
East -	Low Density Residential
West -	County Urban Medium Density

PROPOSED FUTURE LAND USE DESIGNATION: City - Estate Density

EXISTING ZONING DESIGNATION: R-6 (Urban Residential)

SURROUNDING ZONING DESIGNATIONS:

North -	SPUD (Small Planned Unit Development) & M-1 (Industrial)
South -	County R-6 (Urban Residential), City R-3 (High Density Residential)
East -	R-1 (Low Density Residential)
West -	County R-6 (Urban Residential)

PROPOSED ZONING DESIGNATION: RE-1 (Estate Density Residential)

EXISTING LAND USE: Undeveloped property

SURROUNDING LAND USE:

North -	Retention pond, Trucking Company
South -	Single Family Residential
East -	Single Family Residential
West -	Undeveloped

PROPOSED LAND USE: Single Family Residence

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: April 15, 2015
OWNER: Michael & Erika Cruciger, Andrew G. Tremblay
PETITIONER: Michael & Erika Cruciger, Andrew G. Tremblay
PROJECT: Lake-Sumter Properties
REQUEST: Rezoning
CASE NO.: RZ-15-42

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 04/15/15

FIRE

"Nothing from Fire." – David Johnson – 04/01/15

ELECTRIC

"Electric has no objections." – Steve Davis – 04/01/15.

WATER DISTRIBUTION

No comments received as of 04/15/15

WATER BACKFLOW

No comments received as of 04/15/15.

STORMWATER

No comments received as of 04/15/15

WASTEWATER

"No comments." – John Slote - 04/01/15.

GAS

Approved by the City of Leesburg Gas Dept – per Kim Keenan Gas Distribution Coordinator

GIS

No comments received as of 04/15/15

BUILDING

No comments received as of 04/15/15

ENGINEERING/PUBLIC WORKS/SURVEY

"No objections, see comments for SSCP-15-41." – Adrian Parker – 04/01/15

ADDRESSING

No comments received as of 04/15/15

ECONOMIC DEVELOPMENT

No comments received as of 04/15/15

PUBLIC RESPONSES

Approval

No comments received as of 04/15/15

Disapproval

Antonia Mesia – 213 S. Nursery Road, Leesburg, FL 34748 – 352-315-4368

Mary Parker – 2605 Western Way, Leesburg, FL 34748 – 352-408-1161



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

DATE: April 16, 2015
OWNER: Michael & Erika Cruciger, Andrew G. Tremblay
PETITIONER: Michael & Erika Cruciger, Andrew G. Tremblay
PROJECT: Lake-Sumter Properties
REQUEST: Rezoning
CASE NO.: RZ15-42

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request

for the following reason(s):

1. The proposed zoning district of RE-1 (Estate Density Residential) is compatible with adjacent property zoned SPUD (Small Planned Unit Development) to the north, R-3 (High Density Residential) to the south, R-1 (Low Density Residential) to the east, and Lake County R-6 (Urban Residential) to the south and west. The current use of the subject property is undeveloped, and the proposed use is a single family residence. This request does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district of RE-1 (Estate Density Residential) does not appear to create a detriment to the adjacent property to the north with a future land use designation of General Commercial, and is compatible with adjacent property to the south and west that has a future land use designation of Lake County Urban Medium Density. It is also compatible with property to the south that has a future land use designation of High Density, and with property to the east with a future land use designation of Low Density.
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to rezone the subject property from Lake County R-6 (Urban Residential) to RE-1 (Estate Density Residential) and forward to the City Commission for consideration.



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, APRIL 16, 2015, 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, April 16, 2015, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Charles Townsend
Ted Bowersox
Stewart Kaplan
Frazier J. Marshall
Don Lukich

City staff that was present included Dan Miller, Planning & Zoning Manager, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Chairman James Argento and the Pledge of Allegiance to the Flag.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR MARCH 19, 2015.

Commissioner Charles Townsend moved to APPROVE the minutes from the MARCH 19, 2015 meeting. Commissioner Frazier J. Marshall SECONDED the motion, which was PASSED by a vote of 7 to 0.

Dan Miller, Planning & Zoning Manager, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak

NEW BUSINESS

4. PUBLIC HEARING CASE # RZ-15-42 – LAKE-SUMTER PROPERTIES – REZONING

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, TO REZONE 4.06 +/- ACRES FROM LAKE COUNTY R6 (URBAN DENSITY RESIDENTIAL) TO CITY RE-1 (ESTATE DENSITY RESIDENTIAL) FOR A PROPERTY GENERALLY LOCATED ON EAST RICHEY ROAD AND WEST OF SOUTH NURSERY ROAD AS LEGALLY DESCRIBED IN SECTION 28, TOWNSHIP 19S, RANGE 24E, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1st READING ON MAY 11TH, 2015 AND MAY 26TH, 2015)**

Chairman Argento stated that they would have the exhibits from case # 4 be quasi-judicial to be used toward this case to expedite.

There were no substantive comments received from the departments. There were no public responses received for approval and two responses received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning district of RE-1 (Estate Density Residential) is compatible with adjacent property zoned SPUD (Small Planned Unit Development) to the north, R-3 (High Density Residential) to the south, R-1 (Low Density Residential) to the east, and Lake County R-6 (Urban Residential) to the south and west. The current use of the subject property is undeveloped, and the proposed use is a single family residence. This request does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district of RE-1 (Estate Density Residential) does not appear to create a detriment to the adjacent property to the north with a future land use designation of General Commercial, and is compatible with adjacent property to the south and west that has a future land use designation of Lake County Urban Medium Density. It is also compatible with property to the south that has a future land use designation of High Density, and with property to the east with a future land use designation of Low Density.
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

Action Requested:

1. Vote to approve the recommendation to rezone the subject property from Lake County R-6 (Urban Residential) to RE-1 (Estate Density Residential) and forward to the City Commission for consideration.

Commissioner Lukich asked the difference between Estate Density Residential and Planned Unit Development zoning. Mr. Miller answered that Planned Unit Development will generally have mixed uses, such as commercial uses. Whereas Estate Density Residential is for larger single family uses. The RE-1 zoning allows for only 1 unit per acre, which is the lowest density that the City has.

This was the end of the discussion and the voting then took place.

Commissioner Donald Lukich made a motion to APPROVE case # RZ-15-42 – LAKE-SUMTER PROPERTIES – REZONING. Commissioner Steward Kaplan SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

ANNOUNCEMENTS

The next scheduled meeting date is May 21, 2015.

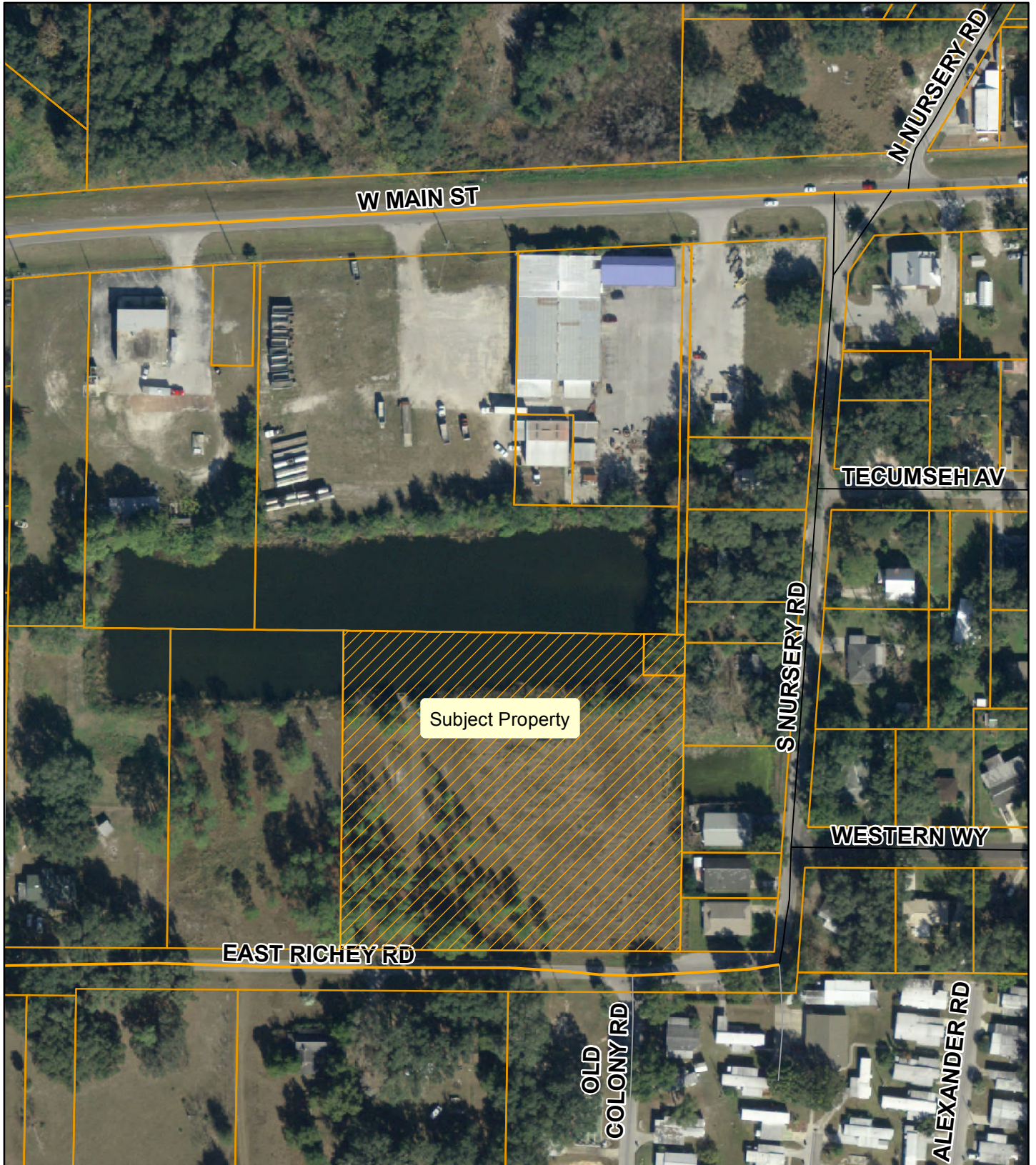
The meeting adjourned at 5:30 p.m.

James Argento, Chairperson

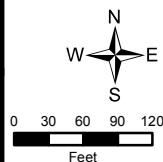
Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II

Aerial

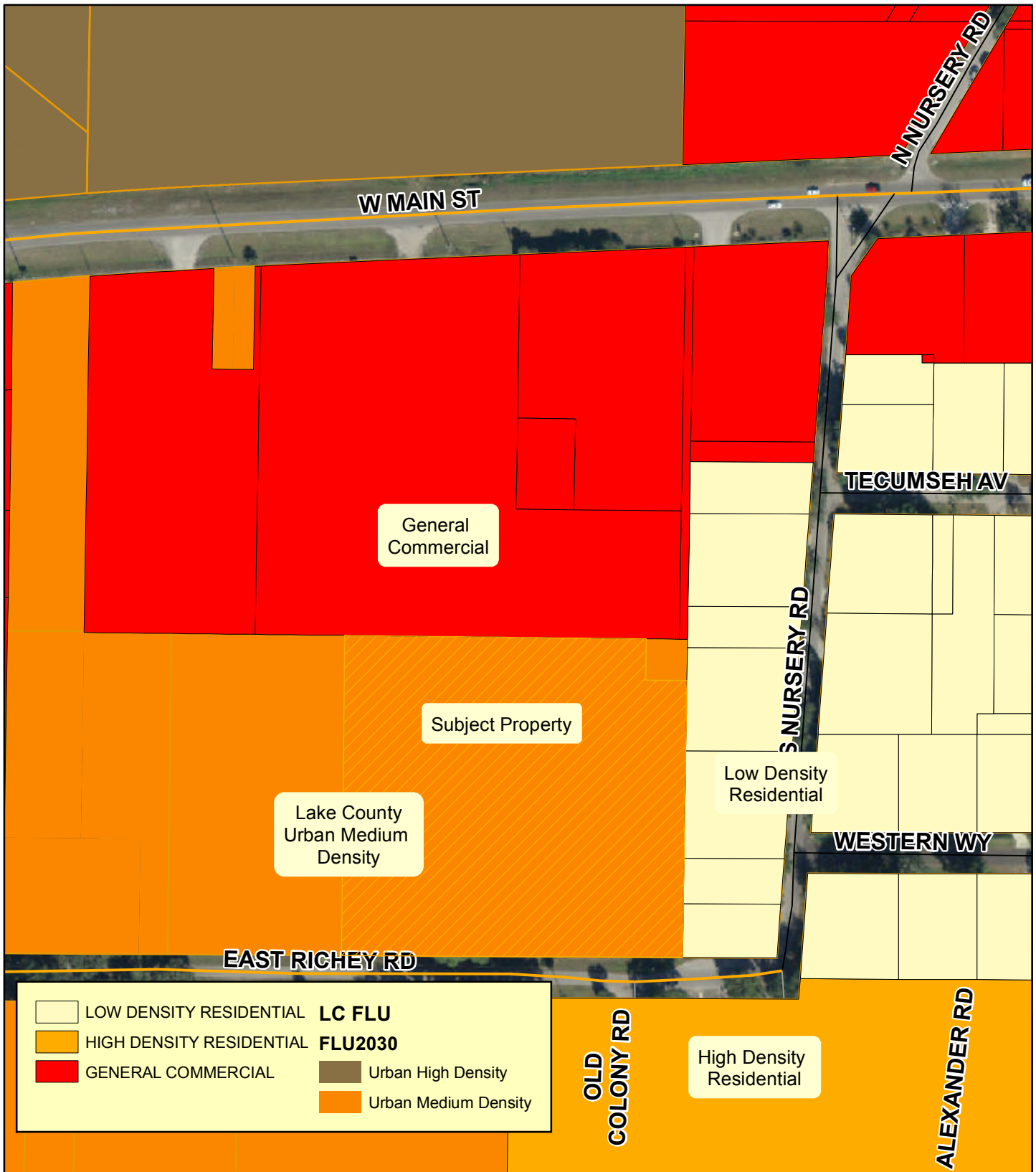


**Planning
& Zoning
Division**

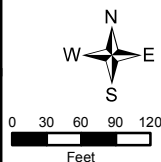


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Future Land Use



**Planning
& Zoning
Division**

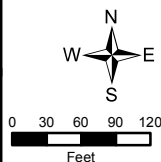


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Surrounding Land Uses

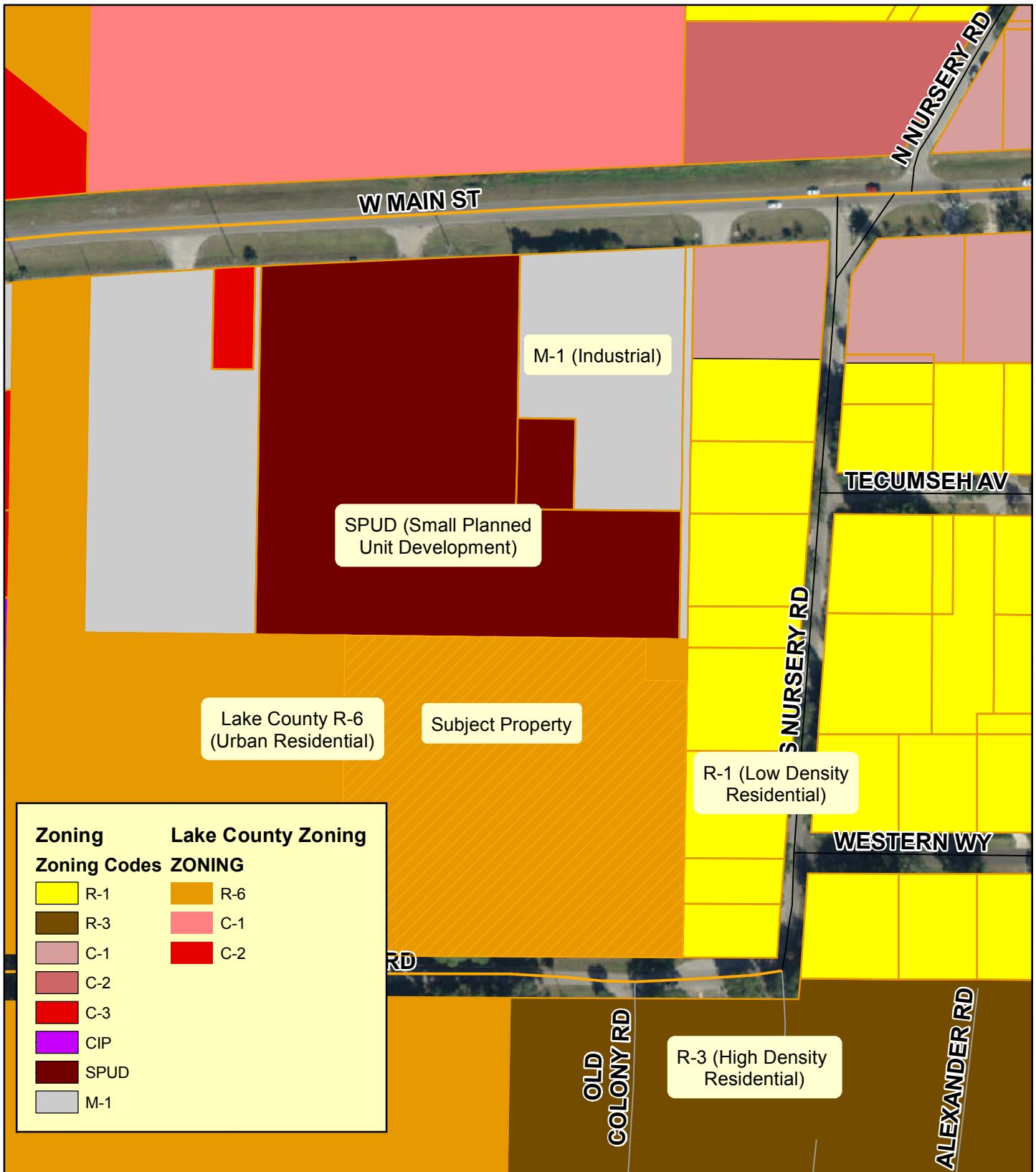


**Planning
& Zoning
Division**

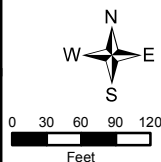


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Zoning

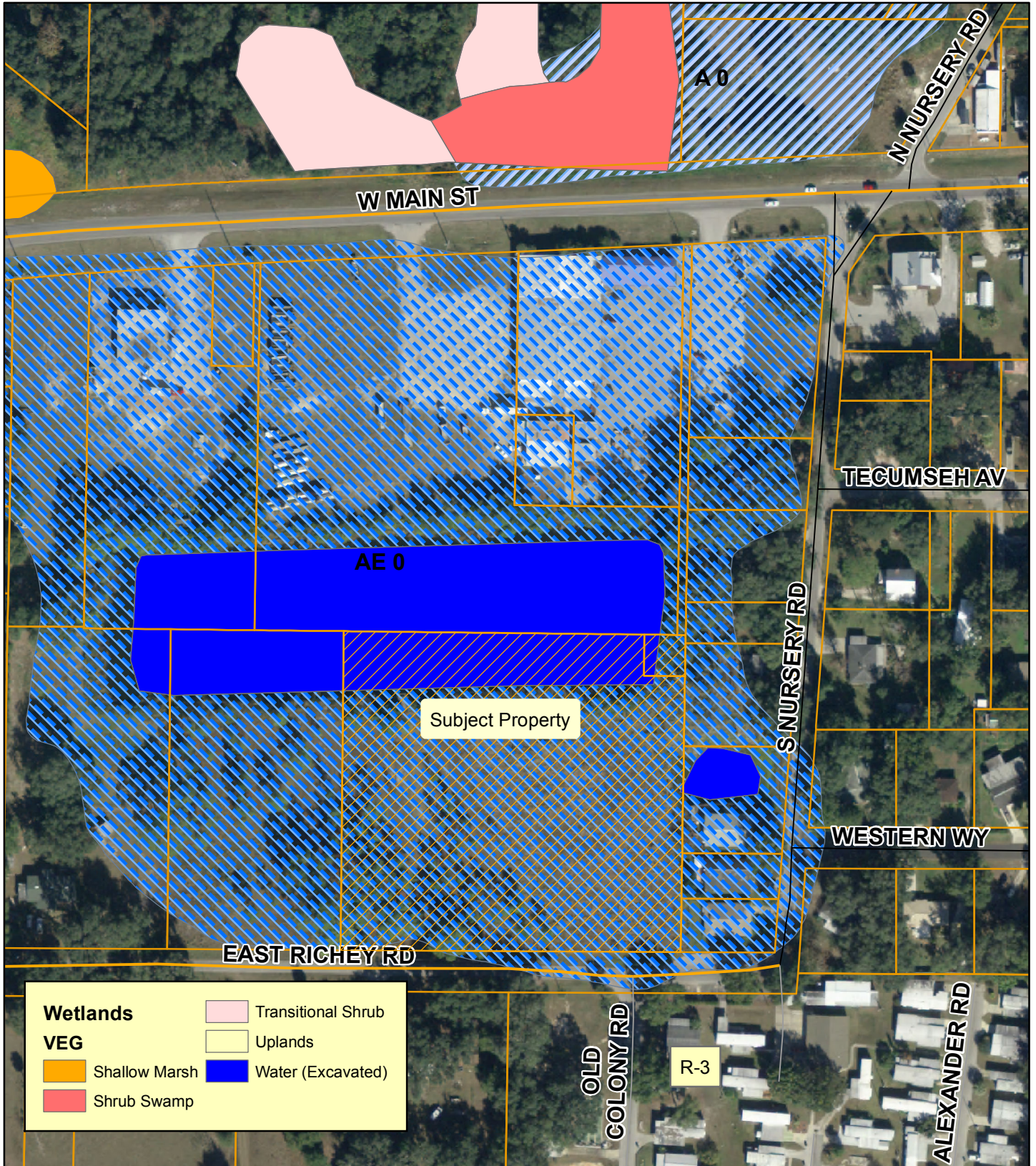


**Planning
& Zoning
Division**

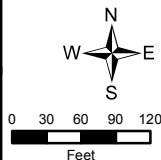


ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E

Wetlands and Flood Zones



**Planning
& Zoning
Division**



ANNX-15-40, SSCP-15-41, RZ-15-42
Lake-Sumter Properties
AK # 1800889, 3852029
Sec 28 Twp 19S Rge 24E



View of adjacent property to the south and east at East Richey Road and Old Colony.



View of subject property -- as seen from Richey Road looking north.



View of adjacent undeveloped property to the west.



View of adjacent property to the south.



View of East Richey Road looking to the west.



View of zoning sign posted on the subject property.



AGENDA MEMORANDUM

Item No: 5B.

Meeting Date: June 22, 2015

From: Dan Miller, Planning and Zoning Manager

Subject: Rezoning amendment from SPUD (Small Planned Unit Development) to SPUD (Small Planned Unit Development) for property located on East Canal Street (Amvets Post 2006)

Staff Recommendation

The Planning staff and Planning Commission recommend approval of the proposed rezoning for the subject property to SPUD (Small Planned Unit Development) with revised conditions.

Analysis

The site consists of approximately 1.31 acres, and is currently zoned SPUD (Small Planned Unit Development), allowing automotive towing, sales and repair. The property is generally located on the east side of Canal Street, just north of Hall Circle. The applicants, Amvets Post 2006, own property immediately to the north and currently have a contract to purchase the subject property. The request is to revise the existing SPUD (Small Planned Unit Development) with language to temporarily retain (for nine months) the existing automotive uses and add recreational uses in keeping with the activities of the adjacent Amvets Post 2006. The surrounding zoning designations are C-3 (Highway Commercial) to the north; R-3 (High Density Residential) to the south; C-2 (Community Commercial) to the east and C-3 (Highway Commercial) to the west. The current and surrounding Future Land Use Map designation is General Commercial. The proposed zoning district of City SPUD (Small Planned Unit Development) as conditioned is compatible with the adjacent and nearby properties in the area and with the existing future land use designation of General Commercial.

By a vote of 7 to 0 on May 21, 2015, the Planning Commission voted to recommend approval.

Options

1. Approve the rezoning under the new SPUD (Small Planned Unit Development) conditions as shown in (Exhibit A), or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact

There is no significant fiscal impact expected from rezoning the subject property.

Submission Date and Time: 6/19/2015 3:48 PM

Department: <u>Comm Dev - P&Z</u> Prepared by: <u>Dan Miller, P&Z Mgr</u> Attachments: <u>Yes</u> <u>No</u> Advertised: <u>Not Required</u> Dates: _____ Attorney Review : <u>Yes</u> <u>No</u> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE SPUD (SMALL PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 1.31 ACRES FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF CANAL STREET, SOUTH OF US HIGHWAY 441 AND NORTH OF HALL CIRCLE, AS LEGALLY DESCRIBED IN SECTION 26, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Amvets Post 2006)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Amvets Post 2006, (Donald Trombley, Agent), the petitioner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, the City Commission does hereby rezone said property from SPUD (Small Planned Unit Development) to SPUD (Small Planned Unit Development), to-wit:

(Legal Description)
(See Exhibit B)

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2015.

THE CITY OF LEESBURG

By: _____
Elise A. Dennison, Mayor

ATTEST:

J. Andi Purvis, City Clerk

**AMVETS POST 2006
REZONING TO SPUD (SMALL PLANNED UNIT DEVELOPMENT)
PLANNED DEVELOPMENT CONDITIONS
May 21, 2015**

These Planned Development Conditions for a SPUD (Small Planned Unit Development) District are granted by the City of Leesburg, Florida to AMVETS POST 2006, Incorporated, "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Development Process" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND

The Permittee has submitted an application requesting a SPUD (Small Planned Unit Development) zoning district to amend the uses and site plan on an approximately 1.31 +/- acre site within the City of Leesburg in accordance with their Planned Development application and supplemental information. The property is currently zoned SPUD (Small Planned Unit Development) allowing commercial, vehicle repairs and sales.

PURPOSE

The purpose of this document is to provide appropriate zoning standards to provide for a high quality built environment through the application of flexible and diversified land use and development requirements. The request is to revise the existing zoning, SPUD (Small Planned Unit Development) with language to temporarily retain the currently permitted automotive uses and add recreational uses in keeping with the activities of the adjacent AMVETS POST 2006.

1. PERMISSION

Permission is hereby granted to AMVETS POST 2206, to operate and maintain a SPUD (Small Planned Unit Development) development in and on real property in the City of Leesburg, subject to the conditions herein. The property is generally located on the northeast corner of North Canal Street and Hall Circle. The property is more particularly described in the legal description below.

2. LEGAL DESCRIPTION

See attached legal Exhibit B

3. LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, pursuant to City of Leesburg development codes and standards. Uses shall occupy the approximate area as shown on the Conceptual Plan dated May 21, 2015 (attached Exhibit C).

- A. Permitted Uses shall be as follows:
 - a. Private parks and open areas
 - b.. Recreational uses and activities in conjunction with AMVETS POST 2006 or successor(s) in title to the property.
 - c. Memorial gardens
 - d. Memorial services
 - e. Existing uses of the property, including towing services, vehicle repairs and vehicles sales shall be permitted as an interim use. This use shall vacate the property no later than nine (9) months from the date of final approval of this SPUD agreement. If by the required date the existing uses are not terminated in full, and the operator of the existing uses has not vacated the property, the City shall issue a letter to the Permittee requesting that it appear before the Planning Commission at its next regularly scheduled meeting, and show cause why these Planned Development Conditions should not be revoked.
- B. Uses prohibited shall be as follows:

All uses not listed as permitted uses by this SPUD (Small Planned Unit Development) including but not limited to:

 - a. Residential uses
 - b. Firing, paintball, archery ranges and other recreational uses not specifically listed herein as permitted uses
 - c. Convenience store with or without gas pumps
 - d. Package stores
 - e. Transient accommodations
 - f. Crematoriums and funeral parlors
 - g. Restaurants
 - h. Automotive uses
 - i.. Car washes
 - j. Wholesale/Industrial uses
 - k. Other uses which are not similar in use, character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

4. **DEVELOPMENT STANDARDS**

- A. The minimum development standards shall be those required for the C-2 (Community Commercial) zoning district except as amended by these conditions.
- B. The impervious surface coverage for this site shall not exceed seventy (70) percent of the gross site area. A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.
- C. The site shall be developed in substantial compliance with the Conceptual Site Plan attached hereto as "Exhibit C".

5. **PARKING**

- A. The permittee shall have off-street parking spaces within the property per the conceptual site plan, pursuant to City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

6. **WETLANDS & FLOOD ZONES**

- A. There are no known wetlands or flood zones existing on the site. Should wetlands and/or flood zones be found on the subject property, all requirements of the City of Leesburg, St. Johns River Water Management District and all other government agencies with jurisdiction shall apply.

7. **DRAINAGE AND UTILITIES**

- A. Prior to receiving Final Development Plan Approval, the "Permittee" shall submit, if applicable, a Site Plan and Utility Plan in accordance with the Site Plan requirements of the City of Leesburg. Prior to removal, renovation or demolition of any existing development on the site, the permittee shall provide:
- 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties.
 - 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.

8. **TRANSPORTATION**

- A. Should future development of the property necessitate a traffic study, at the time of development a transportation study may be required by the Lake Sumter Metropolitan Organization (LSMPO). Based on the use of the property and substantiation of minimum change in traffic impacts, an exemption from this requirement may be requested from the LSMPO.

9. **LANDSCAPING AND BUFFER REQUIREMENTS**

- A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, except as provided under these conditions.
- 1) For each one hundred (100) linear feet, or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
 - a. Two (2) canopy trees
 - b. Two (2) ornamental trees
 - c. Thirty (30) shrubs
 - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - e. Existing vegetation in the required buffer shall be protected during any construction.
 - 2) The current street side landscape buffer style and plantings located at the

AMVETS-2006 post at 500 North Canal to the immediate north may be extended south along Canal Street to meet the landscape requirement on Canal Street.

- B. A six foot high wrought iron decorative fence or wall shall be constructed on the southern boundary along Hall Circle, and on the northern boundary along East Line Street. The existing natural buffer of fencing, trees and shrubs along eastern boundary shall remain except for trimming and maintenance. The existing security chain link fencing along Canal Street may remain until the current automotive uses are moved per conditions of this document.
- C. Variations to the landscape requirements of the code may be approved by the Planning and Zoning Manager as long as the intent of this SPUD agreement and the City of Leesburg landscape code are maintained.

10. MAINTENANCE

- A. With the exception of public utilities and sidewalks, maintenance of all site improvements, including but not limited to drives, internal sidewalks, landscaping and drainage shall be the responsibility of the owner.

11. DEVELOPMENT PHASING

- A. The proposed project may be constructed in phases if constructed in accordance with the attached SPUD (Small Planned Unit Development) Conditions and Conceptual Plan. Changes to the Conceptual Plan (Exhibit C), other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process.
- B. Implementation of the project shall substantially commence within 48 months of approval of this Planned Development. In the event, the conditions of the SPUD have not been substantially implemented during the required time period, the SPUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the SPUD approval or rezone the property to another appropriate zoning classification.

12. MISCELLANEOUS CONDITIONS

- A. For all activities involving musical entertainment, hours of operation shall be limited from 07:00 am to 09:00 pm Sunday through Thursday, and 07:00 am- 10:00 pm on Fridays and Saturdays.
- B. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- C. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Code of Ordinances.

- D. Construction and operation of the proposed use(s) shall at all times comply with City of Leesburg and other governmental agencies rules and regulations.
- E. The transfer of ownership or lease of any or all of the property described in this SPUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- F. These SPUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- G. The granting of this Small Planned Unit Development does not exempt the applicant from any other applicable regulations of the City of Leesburg and other governmental agencies and assessment of impact fees as required by ordinance
- H. All uses on the property shall be subject to City of Leesburg Code of Ordinances Section 12-19 Regulation of Nuisances.

13. **LEVELS OF SERVICE**

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development or redevelopment until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development

LEGAL DESCRIPTION

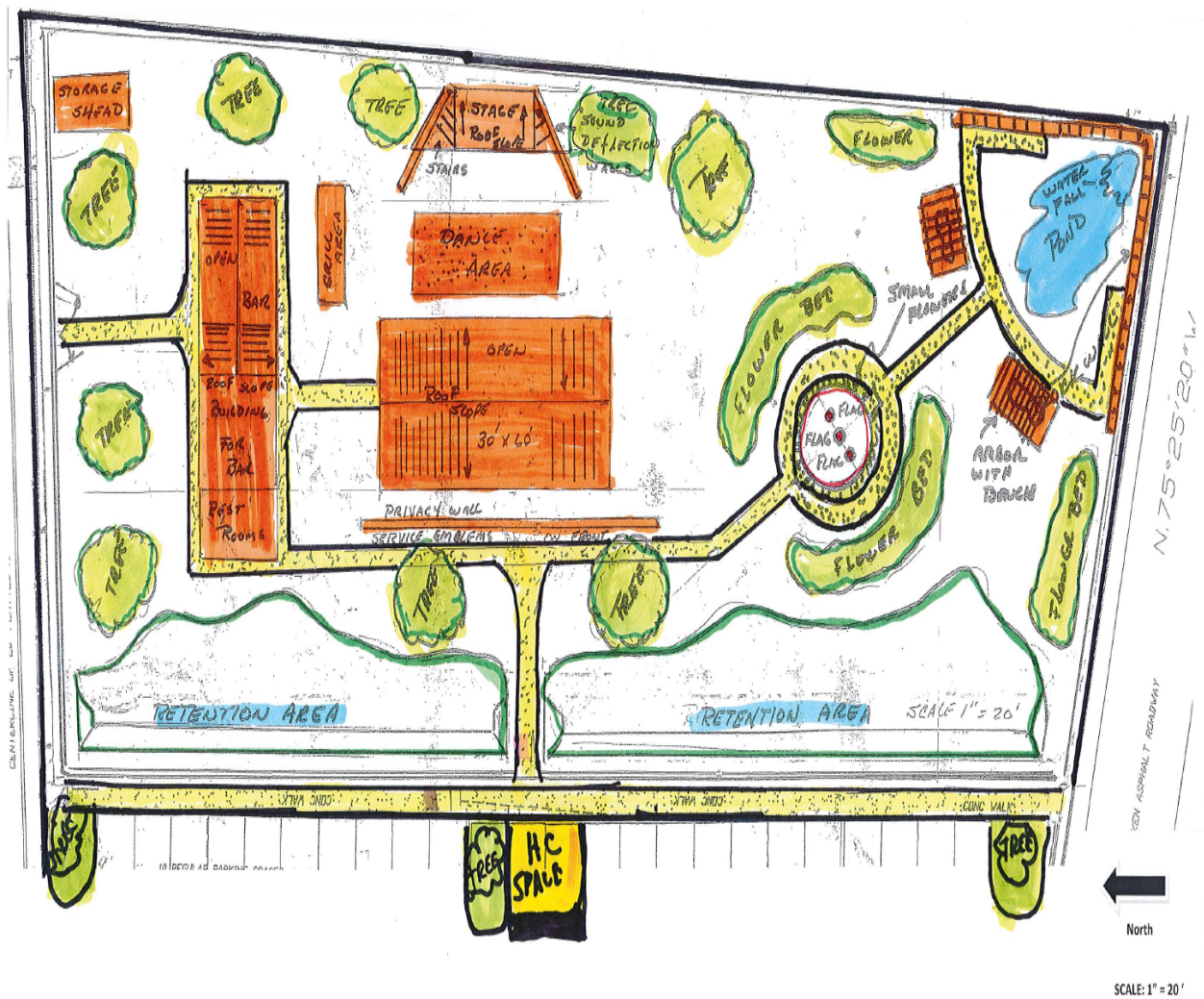
EXHIBIT B

The West 90 feet of Lot 2 and that part of Lot 3, lying East of Dozier's Subdivision, Leesburg, Florida, according to the plat thereof recorded in Plat Book 2, Page 19, Public Records of Lake County, Florida, being in Block 50 of the City of Leesburg, Florida, LESS: from the Northwest corner of Lot 2, Block 50, City of Leesburg, Florida, according to the Official Plat thereof as recorded in Plat Book 2, Page 19, Public Records of Lake County, Florida, run thence South $89^{\circ}59'30''$ East along the North line of Lot 2 a distance of 90 feet to the point of beginning; run thence South $00^{\circ}18'10''$ West parallel to the West line of said Lot 2 a distance of 308.62 feet to the Northerly right of way line of present Seaboard Coast Line Railroad; thence North $75^{\circ}06'22''$ West along said railroad right-of-way for 33 feet; thence North $06^{\circ}22'23''$ East 302 feet to the point of beginning. All being in Section 26, Township 19 South, Range 24 East, Lake County, Florida

Alternate Key # 1265169

EXHIBIT C

Case: RZ 15-51
Owner: David Allen
Applicant: AMVETS POST 2006, INC
Location: 400 NORTH CANAL STREET
Date: May 21, 2015



**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: May 15, 2015
OWNER: David Allen
PETITIONER: AMVET'S Post 2006, Inc
PROJECT: AMVETS Post 2006 Extension
REQUEST: Planned Developments Rezoning
CASE NO.: RZ-15-51

GENERAL LOCATION: The property is generally located on the east side of North Canal Street, south of US 441 and north of Hall Circle.

FUTURE LAND USE DESIGNATION:
General Commercial

SURROUNDING FUTURE LAND USE DESIGNATION:

North -	General Commercial
South -	General Commercial
East -	General Commercial
West -	General Commercial

PROPOSED FUTURE LAND USE DESIGNATION:
no change requested

EXISTING ZONING DESIGNATION: SPUD (Small Planned Unit Development)

SURROUNDING ZONING DESIGNATIONS:

North –	C-3(Highway Commercial)
South -	R-3(High Density Residential)
East -	C-2 (Community Commercial)
West -	C-3 (Highway Commercial)

PROPOSED ZONING DESIGNATION:
SPUD (Small Planned Unit Development) – no change requested

EXISTING LAND USE: Economy Towing, Recovery & Repair

SURROUNDING LAND USE:

North -	Amvets Post 2006
South -	Undeveloped
East -	Single family residential
West -	Office and undeveloped property

PROPOSED LAND USE: Parking, storage building, barbeque and dining, outside entertainment to include alcoholic beverages and restrooms with a park-like environment

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: May 20, 2015
OWNER: David Allen
PETITIONER: AMVET'S Post 2006, Inc.
PROJECT: AMVET'S Post 2006 Extension
REQUEST: Planned Developments Rezoning
CASE NO.: RZ-15-51

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 05/20/15

FIRE

No comments received as of 05/20/15

ELECTRIC

"Electric has no objections. We will be involved when they start demolishing the buildings. Services will need to be removed and possibly some lights. When they submit site plans for review we can discuss then. All new services shall be underground. Thanks." – Steve Davis – 05/06/15.

WATER DISTRIBUTION

No comments received as of 05/20/15

WATER BACKFLOW

"Water backflow has no issues with this." – Helga Bundy – 05/07/15.

STORMWATER

No comments received as of 05/20/15.

WASTEWATER

No comments received as of 05/20/15

GAS

Approved by the City of Leesburg Gas Dept, per Kim Keenan – Gas Distribution Coordinator. Natural gas is available at this location.

GIS

No comments received as of 05/20/15

BUILDING

No comments received as of 05/20/15

ENGINEERING/PUBLIC WORKS/SURVEY

"No comments." – DC Maudlin – 05/06/15

"Engineering and Floodplain management are approved." – Adrian Parker – 05/07/15

ADDRESSING

No comments received as of 05/20/15

ECONOMIC DEVELOPMENT

No comments received as of 05/20/15

PUBLIC RESPONSES

Approval

Donald R. Trombley – 500 N. Canal Street, Leesburg, FL 34748 – 352-323-8750 or 352-255-7137

Ruthie M. Hall – 11 Country Mill Court, Baltimore, MD 21128 – 410-747-2855 (per conversation with D.Miller 05/20/15)

Disapproval

None received.



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

OWNER: David Allen
PETITIONER: AMVETS Post 2006, Inc
PROJECT: AMVETS Post 2006 Extension
REQUEST: Rezoning to SPUD (Small Planned Unit Development)
CASE NO.: RZ-15-51
MEETING DATE: May 21, 2015

THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request

for the following reason(s):

1. The proposed zoning district of SPUD (Small Planned Unit Development), as conditioned and shown in "Exhibit A", is compatible with adjacent properties to the north and west zoned C-3 (Highway Commercial); and with properties to the east zoned C-2 (Community Commercial) and to the south zoned R-3 (High Density Residential). As conditioned, the use does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district SPUD (Small Planned Unit Development) is compatible with the Future Land Use designation of General Commercial.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve the proposed rezoning from SPUD (Small Planned Unit Development) to SPUD (Small Planned Unit Development) and forward to the City Commission for consideration.



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, MAY 21, 2015, 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, May 21, 2015, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Charles Townsend
Ted Bowersox
Stewart Kaplan
Agnes Berry
Don Lukich

City staff that was present included Dan Miller, Planning & Zoning Manager, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Chairman Agnes Berry and the Pledge of Allegiance to the Flag.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR APRIL 16, 2015.

Commissioner Don Lukich moved to APPROVE the minutes from the APRIL 16, 2015 meeting. Commissioner Agnes Berry SECONDED the motion, which was PASSED by a vote of 7 to 0.

Dan Miller, Planning & Zoning Manager, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

NEW BUSINESS

- 1. PUBLIC HEARING CASE # RZ-15-51 – AMVET'S POST 2006 EXTENSION – SMALL PLANNED UNIT DEVELOPMENT REZONING AMENDMENT**
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE SPUD (SMALL PLANNED UNIT DEVELOPMENT) ZONING ON APPROXIMATELY 1.31 ACRES FOR A PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF CANAL STREET, SOUTH OF US 441 AND NORTH OF HALL CIRCLE, AS LEGALLY DESCRIBED IN SECTION 26, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1st READING ON JUNE 8TH, 2015 AND JUNE 22ND, 2015)

Dan Miller entered the exhibits into the record and presented the overhead exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There were two public responses received for approval and no responses received for disapproval.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed zoning district of SPUD (Small Planned Unit Development), as conditioned and shown in "Exhibit A", is compatible with adjacent properties to the north and west zoned C-3 (Highway Commercial); and with properties to the east zoned C-2 (Community Commercial) and to the south zoned R-3 (High Density Residential). As conditioned, the use does not appear to create a detriment to the surrounding properties.
2. The proposed zoning district SPUD (Small Planned Unit Development) is compatible with the Future Land Use designation of General Commercial.
3. The rezoning of the subject properties is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve the proposed rezoning from SPUD (Small Planned Unit Development) to SPUD (Small Planned Unit Development) and forward to the City Commission for consideration.

Mr. Miller highlighted the following in the PUD conditions to expedite

3. LAND USES

The above-described property shall be used for SPUD (Small Planned Unit Development) uses as limited herein, pursuant to City of Leesburg development codes and standards. Uses shall occupy the approximate area as shown on the Conceptual Plan dated May 21, 2015 (attached Exhibit C).

A. Permitted Uses shall be as follows:

- a. Private parks and open areas
- b.. Recreational uses and activities in conjunction with AMVETS POST 2006 or successor(s) in title to the property.
- c. Memorial gardens
- d. Memorial services
- e. Existing uses of the property, including towing services, vehicle repairs and vehicles sales shall be permitted as an interim use. This use shall vacate the property no later than nine (9) months from the date of final approval of this SPUD agreement.

B. Uses prohibited shall be as follows:

All uses not listed as permitted uses by this SPUD (Small Planned Unit Development) including but not limited to:

- a. Residential uses
- b. Firing, paintball, archery ranges and other recreational uses not specifically listed herein as permitted uses
- c. Convenience store with or without gas pumps
- d. Package stores
- e. Transient accommodations
- f. Crematoriums and funeral parlors
- g. Restaurants
- h. Automotive uses

- i.. Car washes
- j. Wholesale/Industrial uses
- k. Other uses which are not similar in use, character or intensity which may adversely impact the adjoining properties do to traffic, noise, dust, etc.

4. DEVELOPMENT STANDARDS

- A. The minimum development standards shall be those required for the C-2 (Community Commercial) zoning district except as amended by these conditions.
- B. The impervious surface coverage for this site shall not exceed seventy (70) percent of the gross site area. A minimum of thirty (30) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.
- C. The site shall be developed in substantial compliance with the Conceptual Site Plan attached hereto as "Exhibit C".

5. PARKING

- A. The permittee shall have off-street parking spaces within the property per the conceptual site plan, pursuant to City of Leesburg Code of Ordinances, as amended, which shall include the required number of handicapped parking spaces.

9. LANDSCAPING AND BUFFER REQUIREMENTS

- A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, except as provided under these conditions.
 - 1) For each one hundred (100) linear feet, or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.
 - a. Two (2) canopy trees
 - b. Two (2) ornamental trees
 - c. Thirty (30) shrubs
 - d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - e. Existing vegetation in the required buffer shall be protected during any construction.
 - 2) The current street side landscape buffer style and plantings located at the AMVETS-2006 post at 500 North Canal to the immediate north may be extended south along Canal Street to meet the landscape requirement on Canal Street.

12. MISCELLANEOUS CONDITIONS

- A. For all activities involving musical entertainment, hours of operation shall be limited from 07:00 am to 09:00 pm Sunday through Thursday, and 07:00 am- 10:00 pm on Fridays and Saturdays.
- H. All uses on the property shall be subject to City of Leesburg Code of Ordinances Section 12-19 Regulation of Nuisances.

Commissioner Bowersox asked if the parking is off-street on Canal. Dan Miller replied that all parking is off-street.

Commissioner Townsend asked if East Line Street is paved. Don Trombley, a member of the AMVETS, replied that it is partially paved.

Commissioner Townsend stated that if Hall Circle gives access to the residency behind the subject property, and if East Line Street gives access to the residency, does it give access to anything else. Mr. Miller replied that while it is a public street, there is a good likelihood that East Line Street could be vacated.

Attorney Morrison stated that vacating Line St to the vacant parcel, he doesn't know if there is any continuity between the parcels. If there isn't, then it's not sufficient to allow access and then there may be a problem because the only access would be on the North side.

Mr. Miller said that the AMVETS are interested in vacating the street.

Attorney Morrison said that this parcel has been back twice for landscaping, etc... and nothing has been done. He doesn't doubt that the AMVETS will do what they say, but where is the teeth if the owner doesn't vacate by the end of that period he has to stay there. Mr. Miller answered that there have been two cases regarding this property, a Conditional Use Permit and a Rezoning. With the Veteran's purchasing the property, that will take care of this issue. In the sales contracts, there is also some form of penalty.

Don Trombley, representing the AMVETS, stated that they will landscape the property. They do have a penalty in the agreement with the current owner. They buildings will all be torn down and leveled, and they will start from scratch.

Commissioner Townsend asked why they want to retain the ability to fix vehicles. Mr. Trombley answered that it is only temporarily until Mr. Allen moves his business.

Mr. Allen, the current owner, stated that he did not know it was zoned SPUD. He asked to drop it and it did not get dropped. He thought it was zoned C-3. Mr. Miller stated that he has on record Mr. Allen's signature for these two separate cases.

This was the end of the discussion and the voting then took place.

The next scheduled meeting date is June 18, 2015.

The meeting adjourned at 5:31 p.m.

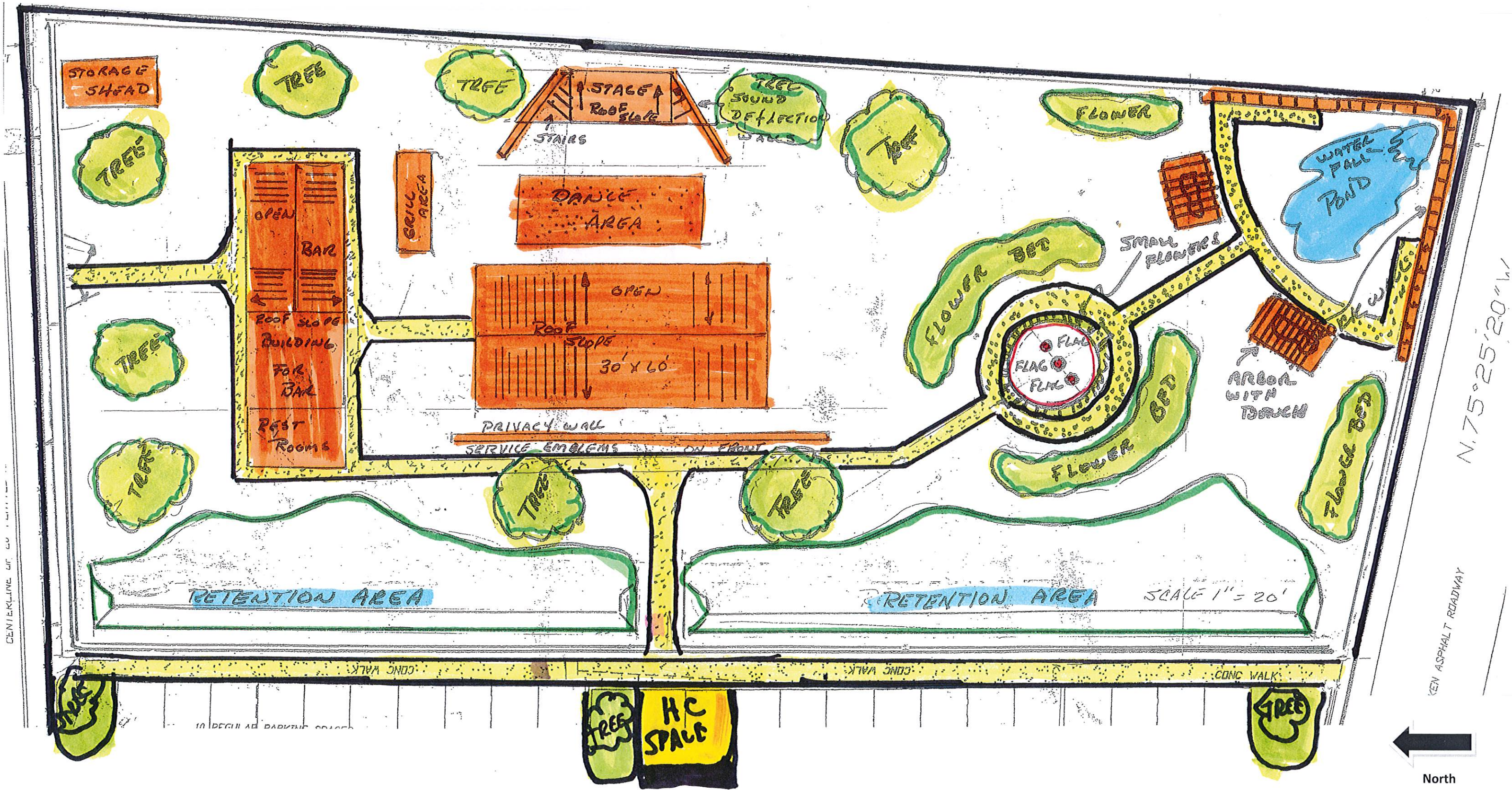
James Argento, Chairperson

Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II

CONCEPTUAL SITE PLAN
AMVETS POST 2006
MAY 21, 2015

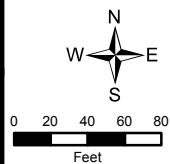
Case: RZ 15-51
Owner: David Allen
Applicant: AMVETS POST 2006, INC
Location: 400 NORTH CANAL STREET
Date: May 21, 2015



Aerial

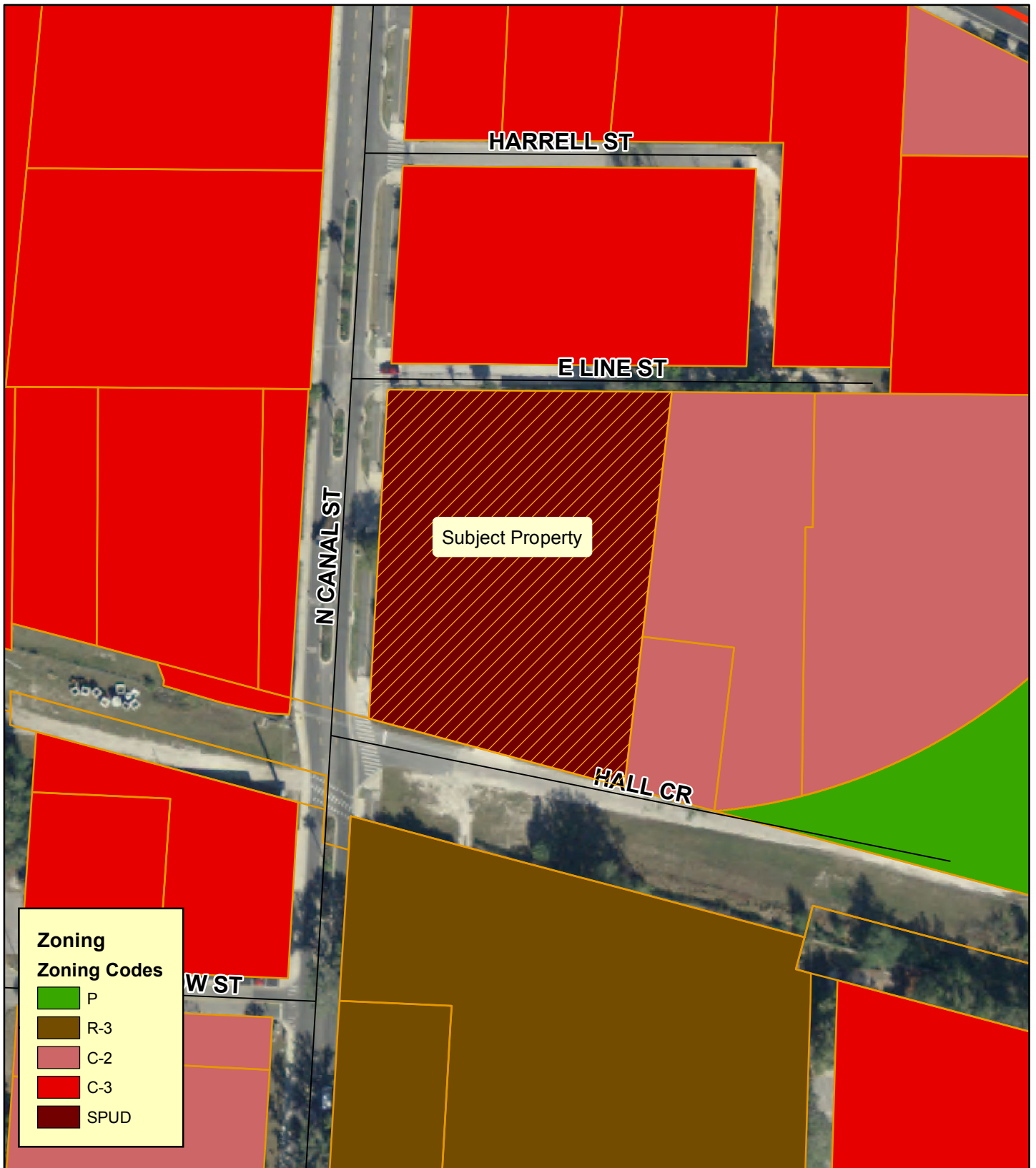


**Planning
& Zoning
Division**

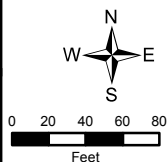


**RZ-15-51
AMVETS Post 2006 Extention
AK # 1265169
Sec 26 Twp 19 Rge 24**

Zoning

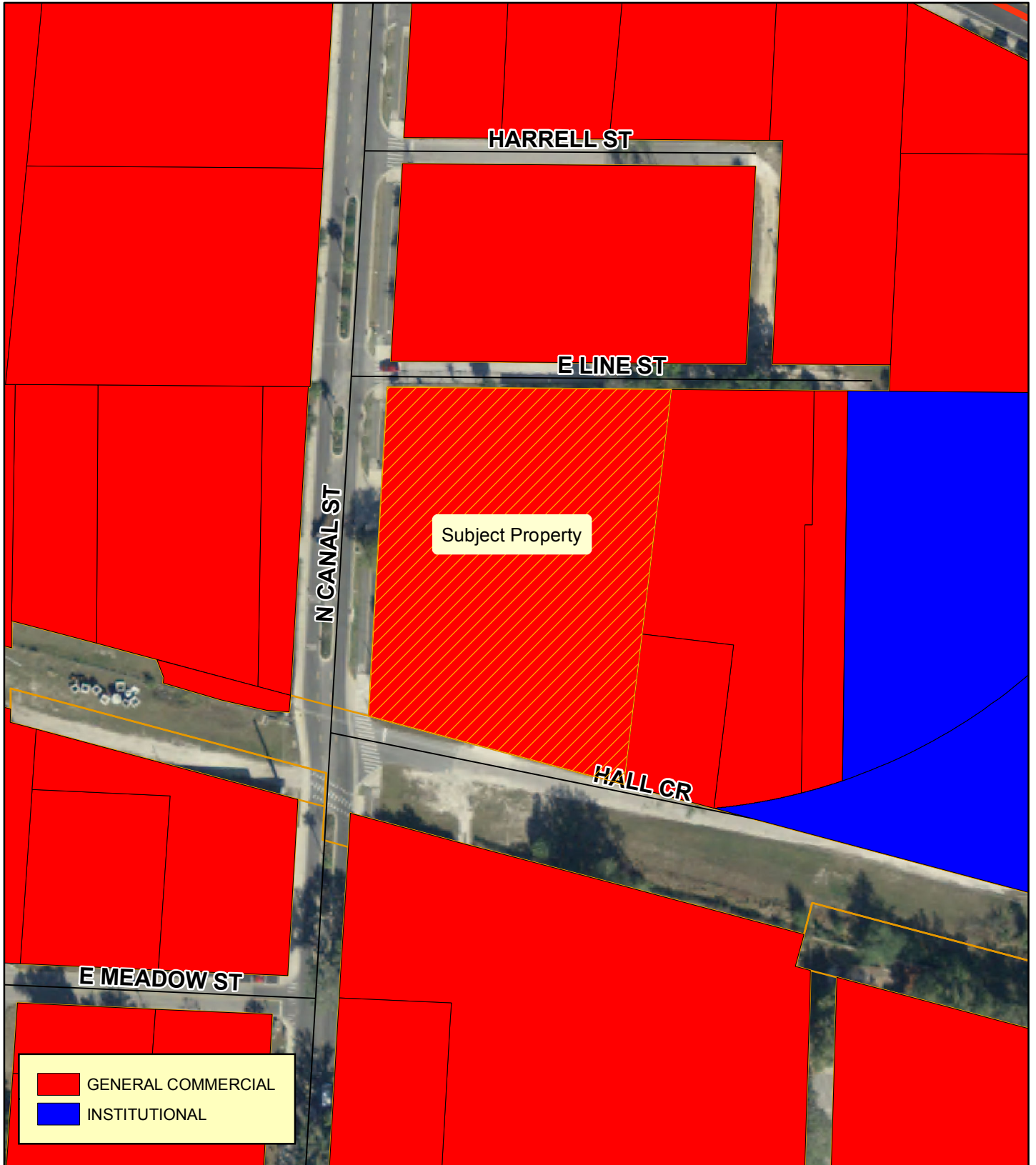


**Planning
& Zoning
Division**

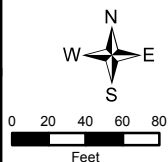


RZ-15-51
AMVETS Post 2006 Extention
AK # 1265169
Sec 26 Twp 19 Rge 24

Future Land Use



**Planning
& Zoning
Division**

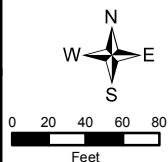


**RZ-15-51
AMVETS Post 2006 Extention
AK # 1265169
Sec 26 Twp 19 Rge 24**

Surrounding Land Uses



**Planning
& Zoning
Division**



**RZ-15-51
AMVETS Post 2006 Extention
AK # 1265169
Sec 26 Twp 19 Rge 24**



View of subject property, looking east



2nd view of subject property, looking east



Adjacent property to the north, looking east (AMVETS POST 2006)



Adjacent property to the south



Adjacent property to the east, single family residence.



Adjacent property to the west, unoccupied office building.



Current view of subject property looking north along Canal Street.



View of existing landscaping for AmVets post 2006. This buffer will be extended to the subject property along Canal Street shown in the previous photo.



AGENDA MEMORANDUM

Item No: 5C.
Meeting Date: June 22, 2015
From: Al Minner, City Manager
Subject: Resolution adopting the final Fire Assessment Fees

Staff Recommendation:

Approve the Final Fire Assessment Resolution.

Analysis:

At the April 13, 2015 Regular Meeting, the City Commission adopted the initial Fire Assessment Resolution which would generate the maximum revenue. Below is the Initial Estimated Fire Protection Rate Schedule that was adopted:

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$155.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.14
Industrial/Warehouse	\$0.03
Institutional	\$0.23
Church	\$0.21

The Fire Assessment ordinance provides for certain exemptions for the following categories of property:

- Homesteaded, owner occupied residential parcels owned by Low Income Persons as defined in the ordinance;
- Mobile Home Park and Recreational Vehicle Park properties, in accordance with an occupancy formula specified in the ordinance; and
- Wholly tax exempt Church property used primarily for religious purposes.

As required by Section 197.3632, Florida Statutes, and City Ordinance 2015-10, notice was given by the City of Leesburg to property owners. Notices were mailed to the property and information was also posted to the City website. Additionally, a Fire Assessment presentation was presented at the regular City Commission meeting June 8, 2015.

Staff advises that for the City to generate maximum revenue, should the Commission choose to impose a fee at a smaller level or no fee, that discussion should be heard at this hearing.

Fiscal Impact:

This resolution will generate up to approximately \$3,300,000 in new General Fund Revenue.

Submission Date and Time: 6/19/2015 3:49 PM

Department: _____ Prepared by: _____ Attachments: Yes____ No ____ Advertised: _____Not Required _____ Dates: _____ Attorney Review : Yes____ No ____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LEESBURG, FLORIDA; IMPOSING FIRE PROTECTION ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission of Leesburg, Florida (the "City Commission"), has enacted Ordinance No. 15-10 (the "Ordinance"), which authorizes the imposition of Fire Protection Assessments for fire protection services, facilities, and programs against Assessed Property located within the City;

WHEREAS, the imposition of a Fire Protection Assessment for fire protection services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning the Fire Protection Assessed Cost among parcels of Assessed Property;

WHEREAS, the City Commission desires to implement a fire protection assessment program in the City using the procedures provided by the Ordinance, including the tax bill collection method for the Fiscal Year beginning on October 1, 2015;

WHEREAS, the City Commission, on April 13, 2015, adopted Resolution No. 9580, (the "Initial Assessment Resolution");

WHEREAS, the Initial Assessment Resolution contains and references a brief and general description of the fire protection services, facilities, and programs to be provided to Assessed Property; describes the method of apportioning the Fire Protection Assessed Cost to compute the Fire Protection Assessment for fire protection services, facilities, and programs against Assessed Property; estimates rates of assessment; and directs the updating and preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to impose Fire Protection Assessments for the Fiscal Year beginning October 1, 2015, the Ordinance requires the City Commission to adopt a Final Assessment Resolution which establishes the rates of assessment and approves the Assessment Roll for the upcoming Fiscal Year, after hearing comments and objections of all interested parties;

WHEREAS, the Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, notice of a public hearing has been published and mailed, as required by the terms of the Ordinance, which provides notice to all interested persons of an opportunity to be

heard; an affidavit regarding the form of notice mailed being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

WHEREAS, a public hearing was scheduled for, and held on, June 22, 2015, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

SECTION 1. **AUTHORITY.** This resolution is adopted pursuant to Ordinance No. 15-10; Resolution No. 9580; Article VIII, Section 2, Florida Constitution; Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. **DEFINITIONS AND INTERPRETATION.** This Resolution constitutes the Final Assessment Resolution as defined in Ordinance No. 15-10. All capitalized terms in this Resolution shall have the meanings defined in the Ordinance and the Initial Assessment Resolution.

SECTION 3. **IMPOSITION OF FIRE PROTECTION ASSESSMENTS.**

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the fire protection services, facilities, and programs described or referenced in the Initial Assessment Resolution, in the amount of the Fire Protection Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution. Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance, the Initial Assessment Resolution, and this Final Assessment Resolution from the fire protection services, facilities, or programs to be provided and a legislative determination that the Fire Protection Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.

(B) The method for computing Fire Protection Assessments described and referenced in the Initial Assessment Resolution is hereby approved. The Parcel Apportionment methodology described in Appendix E of the Initial Assessment Resolution and adopted in Section 9 of the Initial Assessment Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2015, the estimated Fire Protection Assessed Cost to be assessed is \$3,307,364.00. The Fire Protection Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2015, are hereby established as follows:

Residential Property Use Categories

Rate Per Dwelling Unit

Residential

\$155.00

**Non-Residential Property Use
Categories**

Rate Per Square Foot

Commercial

\$0.14

Industrial/Warehouse

\$0.03

Institutional

\$0.23

Church

\$0.21

(D) The above rates of assessment are hereby approved. Fire Protection Assessments for fire protection services, facilities, and programs in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2015.

(E) Exemptions shall be afforded certain classifications of property as provided in Section 10-45 of the Ordinance. All property not specifically exempted, in whole or in part, shall be liable for payment of Fire Protection Assessments.

(F) As authorized in Section 10-46 of the Ordinance, interim Fire Protection Assessments are also levied and imposed against all property for which a Certificate of Occupancy is issued after adoption of this Final Assessment Resolution based upon the rates of assessment approved herein.

(G) Any shortfall in the expected Fire Protection Assessment proceeds due to any reduction or exemption from payment of the Fire Protection Assessments required by law, or authorized by Section 10-45 of the Ordinance, shall be supplemented by any legally available funds, or combinations of such funds, and shall not be paid for by proceeds or funds derived from the Fire Protection Assessments.

(H) Fire Protection Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(I) The Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in Ordinance 15-10, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.
The Initial Assessment Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but

not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Fire Protection Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

SECTION 6. **SEVERABILITY**. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Resolution.

SECTION 7. **EFFECTIVE DATE**. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED at the regular meeting of the Leesburg City Commission, held on the _____ day of June, 2015

THE CITY OF LEESBURG, FLORIDA

BY: _____
ELISE A. DENNISON, Mayor

Attest: _____
J. ANDI PURVIS, City Clerk

APPENDIX A

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared Al Minner, Sandi Melgarejo, and Charity Moore, who, after being duly sworn, depose and say:

1. Al Minner, as City Manager of the City of Leesburg, Florida ("City"), pursuant to Leesburg Ordinance 15-10 (the "Ordinance"), and Leesburg Resolution No. 9580 (the "Initial Assessment Resolution"), timely directed the preparation of the Assessment Roll and the preparation and mailing of notices in accordance with the Ordinance and the Initial Assessment Resolution.

2. Sandi Melgarejo is Project Coordinator for GSG. GSG has caused the notices required by the Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. GSG has caused such individual notices for each affected property owner to be prepared and each notice conformed to the requirements of the Ordinance and the Initial Assessment Resolution, and included among other items the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within twenty (20) days of the notice; and the date, time, and place of the hearing.

3. On or before June 1, 2015, GSG delivered and directed the mailing of the above-referenced notices by Modern Mailers, Inc. ("Modern Mailers"), in accordance with the

Ordinance and the Initial Assessment Resolution, by First Class Mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Lake County Property Appraiser for the purpose of the collection of ad valorem taxes. Notices to property owners receiving multiple individual notices were mailed, or caused to be mailed by GSG on or before June 1, 2015.

4. Charity Moore is Production Manager of Modern Mailers. As directed above, Modern Mailers, mailed or caused to be mailed on or before June 1, 2015, the above-referenced notices delivered to Modern Mailers by GSG.

FURTHER AFFIANTS SAYETH NOT.

Al Minner, Affiant

Sandi Melgarejo, Affiant

Charity Moore, Affiant

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared **Al Minner**, as City Manager of the City of Leesburg, Florida, who acknowledged before me on the _____ day of _____, 2015, that he executed the foregoing instrument, and who either {CHECK ONE} ☐ was personally known to me, or ☐ produced _____ as identification, and who did not take an oath.

SIGNATURE OF NOTARY PUBLIC

COMMISSION NUMBER

TYPE OR PRINT NAME OF NOTARY

Commission Expiration Date

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day
of _____, 2015 by **Sandi Margarejo**, Project Coordinator, Government
Services Group, Inc., a Florida corporation. She is personally known to me or has produced
_____ as identification and did take an oath.

Notary Public, State of Florida at Large

Printed Name

My Commission Expires: _____

Commission No. _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Affidavit of Mailing was sworn to and subscribed before me this ____ day
of _____, 2015 by **Charity Moore**, Production Manager, Modern Mailers, Inc.,
a Florida corporation. She is personally known to me or has produced
_____ as identification and did take an oath.

Notary Public, State of Florida at Large

Printed Name

My Commission Expires: _____

Commission No. _____

APPENDIX B

PROOF OF PUBLICATION

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE PROTECTION SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of Leesburg will conduct a public hearing to consider the imposition of annual fire protection special assessments for the provision of fire protection services within the municipal boundaries of the City of Leesburg.

The hearing will be held at 5:30 p.m. on June 22, 2015 in Leesburg Community Center, 109 East Dixie Avenue, Leesburg, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Mrs. J. Andi Purvis, City Clerk, at (352) 728-9731, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire protection assessment rate schedule:

Residential Property Use Categories	Rate Per Dwelling Unit
Residential	\$155.00
Non-Residential Property Use Categories	Rate Per Square Foot
Commercial	\$0.14
Industrial/Warehouse	\$0.03
Institutional	\$0.23
Church	\$0.21

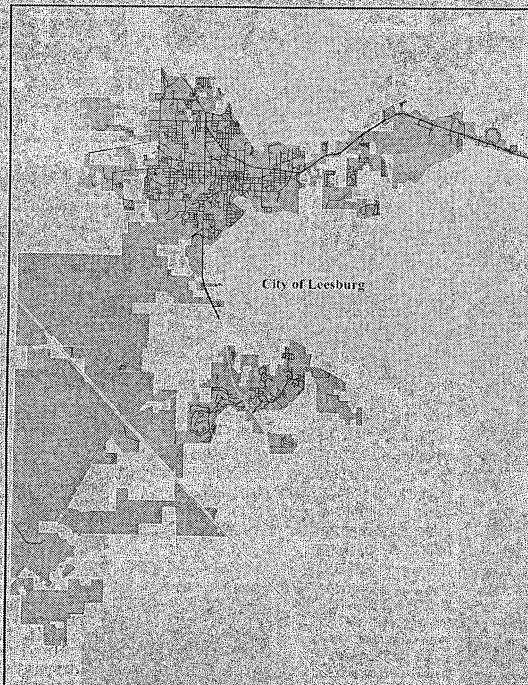
The Fire Protection Assessment Ordinance provides for certain exemptions for the following categories of property:

- Homesteaded, owner-occupied residential parcels owned by Low Income Persons as defined in the Ordinance;
- Mobile Home Park and Recreational Vehicle Park properties, in accordance with an occupancy formula specified in the Ordinance;
- Wholly tax exempt Church property used primarily for religious purposes;
- Those seeking an exemption under categories (a) and (b) above must file a written application on a form provided by the City, with such information as is required by the Ordinance, no later than August 1, 2015. Failure to file an application by the deadline shall be a complete waiver of the exemption for fiscal year 2015 - 2016. Those seeking an exemption under category (c) above must file the referenced application in the first year the exemption is sought, after which the exemption will continue unless there is a change in the use of the property. The City Administrator determines eligibility for an exemption based on the information provided by the applicant.

Copies of the Fire Protection Assessment Ordinance, the Initial Assessment Resolution and the preliminary Assessment Roll are available for inspection at the City Administrator's Office, City Hall, located at 501 West Meadow Street, Leesburg, Florida 34748.

The fire protection service non-ad valorem assessment will be collected on the ad valorem tax bill to be mailed in November, 2015. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City at (352) 728-9783, Monday through Friday between 9:00 a.m. and 4:30 p.m.



APPENDIX C

**CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLLS**

I HEREBY CERTIFY that, I am the City Manager of the City of Leesburg, Florida (the "City"); as such I have satisfied myself that all property included or includable on the **City of Leesburg Non-Ad Valorem Assessment Roll** for fire protection is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Lake County Tax Collector by September 15, 2015.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Lake County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this ____ day of _____, 2015.

THE CITY OF LEESBURG, FLORIDA

BY: _____
AL MINNER, City Manager

[to be delivered to Tax Collector prior to September 15]